

DEPT. OF TRANSPORTATION
DOCKETS

2008 MAY -6 A 10:39

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the Pipeline and Hazardous Materials Safety Administration (PHMSA) in conformance with Subpart G of 49 C.F.R. Part 107. The Notice of Claim proposed a total civil penalty of \$17,400. A copy of the Notice of Claim is attached hereto and identified as Attachment A.

Respondent timely replied to the Notice of Claim. In its reply Respondent requested administrative adjudication in the form of a formal hearing. A copy of the reply is attached hereto and identified as Attachment B.

On November 30, 2007, the Field Administrator served his objection to Respondent's request for formal hearing. A copy of the Field Administrator's Objection to Respondent's Request for Hearing is attached hereto and identified as Attachment C.

II. BACKGROUND AND STATEMENT OF JURISDICTION

Respondent is a private motor carrier operating commercial motor vehicles in intrastate commerce transporting hazardous materials and is subject to the jurisdiction of the Secretary of Transportation, and the FMCSA Administrator, pursuant to 49 U.S.C. § 5103.

Global Energy was the subject of a prior compliance review on May 17, 2004. During that review the investigator discovered five instances of Global Energy transporting hazardous materials without properly registering with the Department of Transportation. At the time of the compliance review Global Energy was informed how to come into compliance with the HMRs and supplied with references, phone numbers, and additional information about registration with PHMSA. The 2004 compliance review resulted in an enforcement action. A Notice of Claim in case number CO-2004-0104-CO3950 was served on May 26, 2004. In the Notice of Claim Global Energy was

cited for one violation of 49 C.F.R. 107.608(b)/171.2(b), transporting a hazardous material without having registered with the Department under subpart G of part 107, and one violation of 49 C.F.R. § 180.407(c), failing to periodically test and inspect a cargo tank. A copy of the Notice of Claim from 2004 is attached hereto and identified as Attachment D. That case was closed via a settlement agreement. In executing the settlement agreement, Global Energy admitted to the violations set forth in the agreement, and acknowledged that the violations would constitute prior offenses under 49 U.S.C. § 5123(c), which would lead to higher penalties in subsequent enforcement actions and adverse SafeStat rankings. A signed copy of the Settlement Agreement is attached hereto and identified as Attachment E. Global Energy satisfied its payment obligations under the settlement agreement.

On or about June 19, 2007, a compliance review of Global Energy was completed. The purpose of the compliance review was to determine whether Global Energy was in compliance with Federal statutes and regulations, including the HMRs. During the course of the review, the investigator discovered violations of Federal statutes and regulations. *See* Attachment F, Harry Thomas Declaration, and Exhibit 4.

III. OBJECTION TO RESPONDENT'S REQUEST FOR HEARING

The Rules of Practice limit the opportunity for a hearing by requiring, at 49 C.F.R. § 386.16(b), the Assistant Administrator to determine whether there exists any material fact in dispute before setting a case for hearing. In this case, while Respondent requests a hearing, no material facts are in dispute. Global Energy in its reply does not dispute the charged violation. Instead, Global Energy asserts that it has corrected the problem, acted in good faith, and argues against the amount of the fine based on hardship,

personal circumstances, and the lack of a bad outcome. *See* Attachment B, Respondent's Reply. Respondent's contentions fail to rise to the level of a dispute of material fact.

While there is no factual dispute in this case, the mere existence of some alleged factual dispute between the parties would not be sufficient to defeat a properly supported motion for final order, nor require the case proceed to hearing; the requirement is that there be no germane issue of material fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). "In essence, the inquiry is whether the evidence presents a sufficient disagreement...or whether it is so one-sided that one party must prevail as a matter of law." *Id.* at 243. To survive such motion the non-moving party must come forward with specific evidence of a material fact that creates a genuine issue for trial. *Id.* at 247-249. The Respondent has failed to present any such evidence. As a result, the Field Administrator believes this matter may, and should, be decided on the written record.

IV. ISSUANCE OF FINAL ORDER

The Assistant Administrator may issue a final order where there are no genuine issues of material fact in dispute and the Field Administrator has demonstrated that he is entitled to judgment as a matter of law. *See, e.g., In re Forsyth Milk Hauling Co., Inc.*, Docket No. R3-90-037, 58 Fed. Reg. 16916, 16984, March 31, 1993 (FHWA Order, December 5, 1991). A motion for final order is analogous to a motion for summary judgment filed pursuant to Rule 56 of the Federal Rules of Civil Procedure. *Id.* A motion for summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. The moving party bears the burden of establishing no

genuine issue of material fact exists. *Celotex Corp. v. Catrett*, 477 U.S. 317, 330 (1986). If there is not sufficient evidence to make out a claim, a hearing would be unnecessary, and the moving party is entitled to summary judgment as a matter of law. *Id.* at 331, (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986)).

Materiality is determined from the substantive law governing the claim, and only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Under *Anderson*, the dispute of a material fact is deemed genuine only if sufficient evidence exists that would allow a reasonable fact-finder to make a finding in favor of the non-moving party. *Id.* at 248-49. It follows that bare denials, without more, are insufficient to raise a genuine issue of material fact. *In re R.M. Black Jr. Produce, Inc.*, 58 Fed. Reg. 16916, 16980 FHWA Final Order, 1992); *See also*, 49 C.F.R. 386.14 (b)(2), (d)(1)(i).

Notwithstanding Respondent's failure to show any material facts in dispute, the Field Administrator must establish a *prima facie* case. *Forsyth Milk, supra*. Unless Respondent admits or fails to deny having committed the violations as charged in the Notice of Claim, the Field Administrator must first present evidence clearly establishing all essential elements of his claim. *Id.* at 16984. If the Field Administrator makes a *prima facie* case and Respondent fails to produce evidence rebutting the *prima facie* case, the Field Administrator's motion will be granted. *Id.* Where Respondent has admitted, or failed to deny, a violation, the Field Administrator is not required to submit any evidence establishing the violation, and final order is granted with respect to the violation. *See Executive Express Trucking, Inc.*, Docket No. FHWA-1997-2499 (Final Order,

September 14, 1999), (citing *In the Matter of Lakeview Farms, Inc.*, Docket No. R3-91-157, 58 Fed. Reg. 62481, 63482 (Final Order, February 8, 1993).)

Through the attached declarations and exhibits, the Field Administrator submits substantial and sufficient evidence supporting each essential element of the charged violation, and substantial and sufficient evidence and documentation to support the proposed penalty.

V. VIOLATION

The sole violation at issue charges Respondent with offering or accepting a hazardous material for transportation in commerce or transporting a hazardous material in commerce without being registered with PHMSA in conformance with subpart G of part 107¹ of this chapter, in violation of 49 C.F.R. § 171.2(d). Under that provision, “No person may offer or accept a hazardous material² for transportation in commerce or transport a hazardous material in commerce unless that person is registered in conformance with subpart G of part 107 of this chapter.” *Id.* 49 C.F.R. § 107.608(b) further provides that, “No person required to file a registration statement may transport a hazardous material or cause a hazardous material to be transported or shipped, unless

¹ Specifically, 49 C.F.R. § 107.608.

² Hazardous material means a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). 49 C.F.R. § 171.8. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table. *Id.*; see 49 CFR 172.101.

such person has on file, in accordance with § 107.620³, a current Certificate of Registration [from PHMSA].” *See* 49 C.F.R. § 107.608.

On or about May 28, 2007, Global Energy caused to be transported, and transported, liquefied petroleum gas, 2.1, UN1075, a hazardous material, in commerce from Denver, Colorado to various locations in Colorado. During this transportation Global Energy offered a hazardous material shipment in commerce without being registered with PHMSA or keeping a record of that registration on file. *See* Attachment F, Harry Thomas Declaration, and Exhibits 4 and 8.

Respondent in its reply states “Global is current on its annual registrations with PHMSA in conformance with Subpart G of 49 CFR Part 107. Payments in the form of company checks and personal credit cards [pay] Global current to approximately June 30, 2010.” Respondent further states that it has made a good faith effort to comply with 49 C.F.R. 171.2(d) and 107.608 and that no one was harmed by its failure to comply prior to its compliance review. Finally, Respondent attacks the fine amount as unjust based on personal circumstances and a policy argument.

To the extent Respondent in its reply is attempting to argue that it has since corrected the problem, originally made good faith efforts to comply, and its lack of compliance did not cause any health or safety issue, such contentions are irrelevant. The first time Global applied for a PHMSA Registration was in June 2004. *See* Attachment G,

³ (a) Each person subject to the requirements of this subpart,..., must maintain at its principal place of business for a period of three years from the date of issuance of each Certificate of Registration: (1) a copy of the registration statement filed with PHMSA; and (2) The Certificate of Registration issued to the registrant by PHMSA. 49 C.F.R. § 107.620.

David Donaldson Declaration. At that time Global Energy applied for and was granted registrations for 1996-2006.⁴ *Id.* This occurred a month after the first compliance review.

In its Reply Global Energy states that it was confused by the registration process, and presents portions of documents to corroborate this confusion. Claims of confusion, supported or not, do not excuse a failure to register. In this case, the claims cannot stand. Several of the documents provided do little to support this position. Among other documentation, the respondent provided copies of four letters and a 2003-2005 registration from RSPA.⁵ The letters dated August 10, 2004, and August 24, 2004, are irrelevant to any claim of confusion related to Respondent's failure to register in 2007 because the letters clearly state that Global Energy overpaid for its 2001-2004 registration and is entitled to a refund. *See* Attachment B Respondent's Reply.

The other documents provided -- an August 3, 2004 letter,⁶ an August 11, 2004 letter, and a 2003-2005 registration -- relate to the 2004/2006 registration. *Id.* As explained in the Donaldson Declaration, there were some problems with Global Energy's registration in 2004. *See* Attachment G at ¶¶ 3-8. Nevertheless, even if Global Energy was confused by the registration process and the numerous documents provided to it by

⁴ The 2004-2006, registration was subsequently suspended/cancelled due to an information processing error at PHMSA. Another company based out of California with a similar name had previously registered for 2003-2005. Upon receipt of Global Energy's registration PHMSA mistakenly thought Global Energy had paid twice and offered to refund the payment. Global Energy accepted this offer. When PHMSA realized its mistake, Global Energy's 2004-2006 registration was suspended/cancelled pending repayment. *See* Attachment G, Donaldson Declaration.

⁵ The Research and Special Programs Administration (RSPA) is the precursor to PHMSA.

⁶ This letter also contains a phone number to call for the Hazardous Materials Registration Support Center.

PHMSA, the latest possible date it could have believed it was still registered was June 30, 2006. *Id.*

Confusion about its 2004/2006 registration is irrelevant to Global Energy's failure to register prior to the May of 2007 transport. Any confusion that Global Energy may have had in 2004 cannot then exempt Respondent from its obligation to register in subsequent years. At the time of the 2007 compliance review, Global Energy had failed to register and keep that registration on file with PHMSA since 2004. Even if one were to credit Respondent's argument that it was confused -- and somehow could give legal effect to that confusion -- at best Respondent believed its registration was due to expire June 30, 2006. *Id.* At the time of the May 28, 2007, transportation, Global Energy had not applied for a registration with PHMSA since August 2004, three months after the 2004 compliance review. *Id.* Respondent did not pay its registration fee again following cancellation of the 2004/2006 registration that occurred in 2005. Respondent did not register again in 2005, 2006, or 2007 until a week before the 2007 compliance review. *Id.*, and Exhibit 1. As a result, Respondent has demonstrated it has consistently failed to register with PHMSA of its own accord, without the impending threat of enforcement.

Moreover, during the compliance review, Global Energy admitted it "forgot" to register, not that it was confused. *See* Attachment F, and Exhibits 4 and 8. In addition, Respondent, in its reply, fails to contest the actual charged violation of failing to register and keep the registration on file; instead Respondent tacitly admits the violation and only attempts to argue mitigation. As a result, Respondent has failed to set forth a relevant material fact at issue.

VI. ARGUMENT

A. Respondent is charged with the responsibility of knowing and complying with applicable regulations.

Respondent is charged with the responsibility of knowing and complying with applicable statutes and regulations. Every carrier is required to be knowledgeable of, and comply with, all regulations applicable to their operations. *See In the Matter of Swanny Trucking, Inc.*, Docket No. FMCSA-2001-9246, Final Order Staying Effective Date of Safety Rating (March 30, 2001); *In re Robert Hansen Trucking, Inc.*, 57 FR 28731, 28732 (Order, 1992). The Federal Hazardous Material Regulations (HMRs), in particular, apply to each person who offers a hazardous material for transportation in commerce, causes a hazardous material to be transported in commerce, or transports a hazardous material in commerce. *See* 49 CFR 171.1(b) and (c).

The standard to be applied is one of knowledge, thus a respondent is liable for the violation if it knowingly permitted the violation. *See* 49 CFR 171.2(b) and (c). The respondent is liable if it knows or reasonably should have known of the violation. *See*, 49 U.S.C.A. 5123(a)(1). Respondent is responsible for ascertaining what applicable statutes and regulations require, and complying with those regulations. Respondent cannot avoid this burden by arguing he simply did not know, was not informed or was misinformed. The Assistant Administrator has plainly rejected arguments by carriers that they were misinformed about some right or obligation under the regulations. *Hansen Trucking*, at 28732-3. The Respondent is expected to be knowledgeable about the applicable regulations and comply with them. *In the Matter of American Truck & Trailer Repair*, Docket No. FHWA-1994-5276, Final Order (June 24, 1994). As a motor carrier,

Respondent has duties and responsibilities which it may not shift simply by saying it was confused by the HMRs or the fee schedule or shift blame to employees of the DOT. *See* Attachment B, Respondent's Reply. Ultimately, the motor carrier is, and remains, responsible for maintaining its registration and compliance. *See FMCSA v. Hilltop Transportation, Inc.*, Docket No. FMCSA-2000-7093 (Order Granting Field Administrator's Request for Decision and Motion for Summary Judgment, February 9, 2004) (Order of Administrative Law Judge Kolko)(citing *R.W. Bozel Transfer, Inc.*, 58 Fed. Reg. 16918, 16920 (Final Order, March 31, 1993)).

The Assistant Administrator has previously found that prior failure to monitor and follow up with FMCSA registration requirements effectively put the carrier on notice of the need to monitor its status. *See In the Matter of Martin Andres Jimenez*, Docket Number FMCSA-2004-18471 (Final Order, June 27, 2005). After facing a compliance review and enforcement case in 2004, Global Energy was put on notice that it needed to maintain its registration with PHMSA. In addition, on numerous occasions Global Energy was told how to register and where to locate information about registering. First it was told by the investigator during the 2004 compliance review. *See*, Exhibit 3. Second, it was sent several letters and brochures by PHMSA during the course of its 2004 registrations; these often included information explaining how to register as well as phone numbers and websites to assist in the registration process.⁷ *See* Donaldson Declaration. Third, the registrations provided to Respondent advised it how to maintain the registration and give him an information number to call for assistance. *See* Attachment B and Exhibit 4.

⁷ This information is also available under 49 CFR §§§ 105.20, 105.25, & 105.26, with which Global Energy is required to be familiar.

Global Energy, however, failed to use these many resources to ascertain its registration status or renew its registration. Because it was ultimately responsible for maintaining its registration Global Energy was required to be more active in monitoring its registration status. *Jimenez*, at FMCSA-2004-18471.

Respondent is not new to hazardous materials transportation or unaware that motor carriers transporting hazardous materials are subject to the requirements of applicable Federal statutes and regulations. Global Energy has been operating as private motor carrier registered to carry hazardous materials since at least 1996.⁸ *See* Attachment G, Donaldson Declaration at ¶ 5. In 2004, Respondent obtained registrations for the years 1996-2006.⁹ *Id.* at ¶¶ 3-6. On June 27, 2005, Respondent's registration was cancelled, and Respondent never remedied the situation.¹⁰ Regardless of whether Respondent thought this registration was valid or not, this registration expired on June 2006, and was never renewed until a few days before the June 19, 2007, compliance review. *Id.* at ¶ 10.

Moreover, Global Energy, was subject to a compliance review involving these same regulations just three years before the compliance review underlying this action; David Johnson, President and Owner of Global Energy was the carrier's representative during both reviews. *See* Exhibit 3. The May 2004 review resulted in an unsatisfactory safety rating by the State of Colorado and Enforcement case number CO-2004-0104-

⁸ The application for registration contains a section, 7G, where the carrier can indicate that it did not participate in the transport of hazardous materials in the previous calendar year. Global Energy has never checked 7G on any of its applications from 1996-2008.

⁹ Global Energy has provided evidence of registrations dating until 2005, but PHMSA acknowledges sending Respondent a registration belonging to another company that expired in 2006, until its suspension in June of 2005. *See* Attachment G, Donaldson Declaration.

¹⁰ As previously stated, this registration cannot be directly attributed to the carrier.

CO3950. Violations of the hazardous materials regulations were discovered, including specifically, violations relating to failing to register. *Id.* While failure to inform itself about the regulations would not excuse a lack of compliance, Global Energy's failure to comply is more egregious because it is not new to the hazardous materials motor carrier industry, nor unaware of Federal statutes and regulations applicable to motor carriers transporting hazardous materials.

B. Global Energy failed to properly register with PHMSA, and keep a record of that registration on file; the evidence does not support a claim of confusion.

The primary argument set forth by Respondent in its reply appears to be an attempt to minimize the gravity of the offense: first, by arguing that Global Energy has corrected the problem, second, by stating it was confused by the registration process, and third by stating the violation caused no health or safety issues.

The Respondent clearly failed to maintain its registration and keep it on file with PHMSA as required by 49 C.F.R. § 171.2(d), and 49 C.F.R. 107.608(b). *See* Attachments F and G, Thomas and Donaldson Declarations. While subsequent remedy of the situation may be taken into account in assessment of the penalty, it does not obviate the original violations and Respondent's failure to comply. *See* 49 U.S.C. § 5123(c).¹¹

Moreover, the evidence does not support Respondent's claim of confusion. Genuine confusion would not excuse Global Energy's failure to register. Respondent's

¹¹ (c) Penalty considerations—In determining the amount of a civil penalty under this section, the Secretary shall consider—(1) the nature, circumstances, extent, and gravity of the violation;(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue to do business; and (3) other matters that justice requires.

President, however, was not confused at the time of the compliance review; he admitted to the violation both orally and in writing, during the June 19, 2007, compliance review, telling Trooper Duncan that he forgot to update the registration until he was told the registration would be required at the time of the review.¹² *See* Attachment F, and Exhibits 4 and 8. In addition, Respondent was the subject of an earlier compliance review by Technician C.R. Hurley on May 17, 2004. During that review Technician Hurley discovered five instances of that same violation. Respondent was eventually cited for one violation of 49 C.F.R. 107.608(b) under enforcement case CO-2004-0104-CO3950. *See* Attachment D. After the 2004 compliance review Global Energy corrected the problem by applying for and receiving approximately ten years of registrations. *See* Attachment G, Donaldson Declaration. Having been previously warned about the requirements of 49 C.F.R. 107.608(b), the Respondent cannot now claim mistake or confusion.

In addition, Global Energy's evidence submitted with its reply undermines its argument that it was confused about its 2007 registration status and corroborates the PHMSA records submitted by the Field Administrator. *See* Attachment B. Respondent's own records show that the Respondent had not applied for a registration since 2004, and the 2003/2005 registration, expired on June 30, 2005.¹³ Global Energy's actions also show Respondent was aware of its need to register because it applied for a new

¹² There is a typographical error in the sworn statement indicating that the company registered on June 13, 2006. According to his statements at the compliance review, the date the Respondent applied for the registration is actually June 13, 2007. In addition, according to the registration, which is attached to the 2007 compliance review, the date of issue is June 15, 2007. *See* Attachment F, Exhibit 4.

¹³ Registration number 052004550038LM (for 2003-2005) was changed to 052004550038MN (for 2004-2006) on or about 8/20/2004, the expiration date printed on the certificate changed to June 30, 2006. Global Energy of Castle Rock was called before this change was made, and after it was done, PHMSA sent a certificate to them. PHMSA's records show that a certificate was printed on 8/20/04, which had an expiration date of June 30, 2006. *See* Attachment G, Donaldson Declaration.

registration in anticipation of the compliance review. *See* Attachment F, and Exhibits 4 and 8. Global Energy may not escape liability for the charged violation by attempting to rectify the failure to register at the time of the compliance review.

Further, in paragraph 4 of its reply, Global Energy states that the violation did not pose a health or safety risk, thereby admitting that such a violation did occur. *See* Attachment B. However, Respondent's argument that its failure to comply with the regulations caused no actual harm cannot stand. Requiring actual harm to occur prior to enforcement and imposition of a significant civil penalty fails to acknowledge the inherent dangers of hazardous material as posing an unreasonable risk to health, safety, and property when transported in commerce. In addition, such a policy would undermine the preventative purpose of 49 C.F.R. § 171.2(d) and 49 C.F.R. § 107.608. *See* 49 U.S.C.A § 5101.¹⁴

C. The Field Administrator is entitled to entry of a Final Order on the charged violations.

The Field Administrator has set forth substantial and sufficient evidence supporting each essential element of the charged violation; no relevant material facts are in dispute. The essential facts underlying the charged violation are clear and unambiguous. In its reply, Respondent does not deny the violation. It makes arguments for mitigation, but it sets forth no relevant material facts or issues in dispute.

The Field Administrator has established a *prima facie* case for the violation charged in the Notice of Claim and demonstrated there are no genuine issues of material fact. The Field Administrator submits substantial and sufficient evidence establishing

¹⁴ The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.

each of the elements of the charged violation supporting a finding that Respondent caused to be transported, and transported, a hazardous material in commerce without being registered with PHMSA and keeping a current Certificate of Registration on file [with PHMSA], in violation of 49 C.F.R. §§ 171.2(d)/107.620. Included with the Field Administrator's evidence is the written statement of the President and representative of Global Energy admitting to the underlying facts of the charged violation. Such admission, itself, is sufficient to establish the violation and to support issuance of a final order. *See In the Matter of Starving Students Moving Systems, Inc. dba Official Moving Systems*, Docket No. 2001-10187 (Final Order, March 17, 2005).

VII. CIVIL PENALTY

49 U.S.C. § 5123(a) authorizes assessment of a civil penalty against any person who "knowingly violates" any requirement in the HMR and also provides that a person "acts knowingly" when that person has (1) "actual knowledge" of the facts giving rise to the violation or (2) when "a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge." *See* 49 U.S.C. § 5123(a). Global Energy demonstrated its actual knowledge in this case through its admissions. *See* Attachment F, and Exhibits 4 and 8. Further, Respondent has also been cited for this violation and remedied its failure to register in the past. *See* Attachments D, E, & F, and Exhibits 3 and 4. In addition, according to the records of PHMSA, Global Energy has been contacted with a variety of reminder letters and registration information on at least five different occasions in 2004 and 2005. *See* Attachment G, Donaldson Declaration.

To determine an appropriate civil penalty, 49 U.S.C. § 5123(c) mandates consideration of certain criteria, including the nature, circumstances, extent, and gravity

of the violation, the degree of culpability, any history of prior violations, the ability to pay, any effect on the ability to continue to do business, and other matters that justice requires. In proposing the civil penalty set forth in the Notice of Claim, the Field Administrator submits a fine based upon use of the Uniform Fine Assessment (UFA) computer-based software model. *See* Attachment H. The UFA assists the decision-maker in calculating the appropriate penalty for the charged violations. In this case, the statutory factors were considered in the proposed penalty calculation.

The Field Administrator submits the proposed penalty is well within the statutory maximum for the violation, and further, was calculated to induce compliance and achieve operation protective of the public. Additionally, based on the gross income information provided by Respondent, the proposed penalty appears to be within Respondent's financial resources. A reduction in civil penalty may be considered if, immediately following the compliance review, the carrier takes action to correct the violations prior to assessment of the civil penalty. *In the Matter of Environmental Tree and Design dba Environmental Design Tree Services*, Docket No. FMCSA-2003-14410 (Final Order, January 3, 2005). After a significant period of noncompliance Global Energy took corrective action a week before the compliance review. However, the goal of our enforcement program is to obtain compliance with motor carrier and hazardous materials statutes and regulations in order to achieve commercial motor vehicle safety, and Global Energy has a history of noncompliance with this particular regulation. *In the Matter of Farr Farms Transport, Ltd.*, Docket No. FMCSA-2000-7944 (Order Vacating Final Agency Order, June 24, 2002). Global Energy has had ample opportunity through the prior compliance review and enforcement action to become knowledgeable of Federal regulation of hazardous material carriers. The hazardous materials regulations are

important elements in protecting public safety. Unfortunately, Global Energy has chosen to ignore the HMR requirements unless it is facing a compliance review or an enforcement action.

In the absence of any evidence the penalty calculation was either improper or inappropriate, the penalty assessment will be upheld. *In the Matter of Baker-Lewis Trucking, Inc.*, Docket No. FMCSA-2002-13749 (Final Order, November 15, 2004). In particular, Respondent has failed to document that the gross revenue figure it provided to the Investigator during the compliance review is not an accurate indicator of its ability to pay the proposed penalty. Additionally, Respondent has not submitted any evidence in the form of tax returns, financial statements, or other documentation in support of its contention of inability to pay. *See In the Matter of Latino Truckers, Inc. dba Latino Logistics*, Docket No. FMCSA-2006-25292 (Final Order, May 11, 2007). By contrast, the UFA worksheet takes into account ability to pay and effect on ability to continue to do business in calculating the penalty. Since Respondent has submitted no evidence to call the penalty calculation into question, and no evidence of financial hardship The Field Administrator requests the full penalty of \$17,400 be imposed.

VIII. CONCLUSION

Examining the evidence and arguments, the Field Administrator has presented a *prima facie* case establishing the violations and the proposed civil penalty as set forth in the Notice of Claim and is entitled to judgment as a matter of law. The Field Administrator respectfully requests the Assistant Administrator deny Respondent's request for Formal Hearing and enter a final order finding the facts to be as alleged in the Notice of Claim, and imposing a civil penalty in the amount of \$17,400.

Respectfully Submitted,
Attorneys for the Claimant

Date: April 25, 2008

By:



Kara Preissel
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Federal Motor Carrier Safety Administration
12600 West Colfax Avenue, Suite B-300
Lakewood, Colorado 80215
303-407-2362
303-407-2339 (Fax)

LIST OF ATTACHMENTS AND EXHIBITS
In the Matter of Global Energy, Inc.
Docket No. 2007-0076

Attachments

Attachment A	Notice of Claim
Attachment B	Respondent's Reply
Attachment C	Field Administrator's Objection to Respondent's Request for Hearing
Attachment D	Notice of Claim in case number CO-2004-0104-CO3950
Attachment E	Settlement Agreement in case number CO-2004-0104-CO3950
Attachment F	Declaration of Harry Thomas
Attachment G	Declaration of David Donaldson
Attachment H	Uniform Fine Assessment

Exhibits

Exhibit 1	96/98, 98/01, 01/04 Applications for Registration
Exhibit 2	PHMSA website Registration record (2007)
Exhibit 3	Prior 2004 Compliance Review
Exhibit 4	Compliance review report (2007)
Exhibit 5	5/28/07 Shipping Paper
Exhibit 6	Todd Stolfus Time Sheet
Exhibit 7	2007 PHMSA Registration
Exhibit 8	Respondent's Signed Statement
Exhibit 9	August 11, 2004 PHMSA letter to Global Energy
Exhibit 10	August 3, 2004 PHMSA letter to Global Energy

- Exhibit 11 8/2004 application for Permanent Registration
- Exhibit 12 96/98, 98/01, 01/04 Applications for Registration
- Exhibit 13 2004 Repayment Paperwork
- Exhibit 14 2007 Internet Registration Application
- Exhibit 15 Email Confirming 2007 Registration

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of May 2008, the undersigned mailed or delivered as specified, the designated number of copies of the forgoing documents to the persons listed below.

David A. Johnson, President
Global Energy, Inc.
19 Wilcox St.
Castle Rock CO 80104

One Copy
U.S. Mail

Steve Farbman, Adjudications Counsel
U.S. Department of Transportation
1200 New Jersey, SE
Sixth Floor, West Building, Room W63-403
Washington, DC 20590

One Copy
Federal Express
Trk# 798934756014

Steve Kleszczyński, Division Administrator
U.S. Department of Transportation
FMCSA – Colorado Division
12300 West Dakota Avenue, Suite 130
Lakewood, CO 80228

One Copy
Internal Mail

U.S. DOT Dockets
U.S. Department of Transportation
Room PL-401
400 Seventh Street, SW
Washington, D.C. 20590

Original
Federal Express
Trk# 799319234130

Kara Preissel
Office of Chief Counsel
Federal Motor Carrier Safety Administration
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215

One Copy
Internal Mail

5/5/2008

Heather Holman

ATTACHMENT A



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Western Service Center

Golden Hills Office Centre
12600 W. Colfax Ave. Suite B-300
Lakewood, CO 80215

Phone: (303) 407-2350

Fax: (303) 407-2339

Certified/ Return Receipt Requested

Certified Receipt Number: 7005 0390 0006 3637 2247

August 30, 2007

David Johnson, President
Global Energy Inc
19 Wilcox St
Castle Rock, CO 80104

NOTICE OF CLAIM – Violations of 49 CFR § 171.2(d) /107.608.

CIVIL PENALTY: \$17,400

Case Number: CO-2007-0080-CO1974

US DOT Number: 1050749

Dear Mr. Johnson:

A compliance review was conducted at Castle Rock, CO on June 19, 2007. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this review, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Global Energy Inc for the amount of \$17,400.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. Also, under 49 Code of Federal Regulations (CFR) §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Global Energy Inc from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 171.2(d) /107.608- Offering or accepting a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Register with the Research and Special Programs Administration as required by 49 CFR Part 107, Subpart G. Do not offer for transportation and/or transport a quantity of hazardous materials subject to registration requirements unless you have on file a current annual certificate of registration. Ensure that a copy of the registration form is maintained at the company's principal place of business and in all subject transport vehicles.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Under Section 222 of the Motor Carrier Safety Improvement Act of 1999, recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three or more enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third and subsequent enforcement actions. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to this "Section 222" provision and the maximum penalties have been assessed. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

Case Number: CO-2007-0080-CO1974

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>\$222 APPLIED</u>	<u>TOTAL</u>
171.2(d) /107.608	HM	1	\$17,400.00		\$17,400.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$17,400.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) **PAYMENT OF PENALTY:** Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at 303-407-2350. If you pay the full penalty within thirty (30) days of service of this

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commercial Regulations.

Case Number: CO-2007-0080-CO1974

Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Western Service Center
Golden Hills Office Centre
12600 W. Colfax Ave. Suite B-300
Lakewood, CO 80215

Personal or company checks will not be accepted and will be returned.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute only the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov/>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH

Case Number: CO-2007-0080-CO1974

THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE EXACT MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,



Steve Kleszczynski
Division Administrator
Federal Motor Carrier Safety Administration

Enclosures

Case Number: CO-2007-0080-CO1974

APPLICABLE STATUTES

Violations of the provisions of the hazardous materials transportation statutes (49 U.S.C. 5101 et seq.) and the Hazardous Materials Regulations (HMRs)(49 C.F.R. Parts 171-180), issued pursuant to these statutes, are subject to a civil penalty of not more than \$32,500 and not less than \$275 for each violation. (49 USC § 5123, 68 Fed. Reg. 15381(March 31, 2003)). Each day the violation continues shall constitute a separate offense.

STATEMENT OF CHARGES

Violation 1 — 49 CFR 171.2(d) /107.608 - Offering or accepting a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107.

CHARGE #1:

On or about 05/28/2007, Global Energy Inc transported Liquefied Petroleum Gas, 2.1, UN1075, a hazardous material, in commerce from Denver, Co to Various locations in Colorado. During this transportation, Global Energy Inc offered a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107.

SERVICE LIST

This is to certify that on August 30, 2007, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

David Johnson, President
Global Energy Inc
19 Wilcox St
Castle Rock, CO 80104

Original
Certified/ Return Receipt Requested

Steve Kleszczynski, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
12300 West Dakota Ave., Suite 130
Lakewood, CO 80228

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Western Service Center
Golden Hills Office Centre
12600 W. Colfax Ave. Suite B-300
Lakewood, CO 80215

One Copy
U.S. Mail or Electronic Mail



Case Number: CO-2007-0080-CO1974

TABLE 1: VIOLATIONS DISCOVERED DURING REVIEW/INSPECTION

NUMBER	VIOLATION	IDENTIFYING INFORMATION: DRIVER EQUIPMENT COMMODITY	DATE OF VIOLATION
1	171.2(d)	Todd Stollfus LPG 2.1	05/28/2007
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece.

Mr. David Johnson, President
Global Energy Inc.
19 Wilcox Street
Castle Rock, CO 80104

CO-2007-0080-CM97
USNO T 1050749

2. Article Number

(Transfer from service label)

NOC

0005 0390 0006 3637 2247

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Signature]

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes☐ No

If YES, enter delivery address below:

RECEIVED

SEP 10 2007

COA
NOB, CO

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

ATTACHMENT B

David A. Johnson, President
Global Energy, Inc.
19 Wilcox St.
Castle Rock, CO 80104

Steve Kleszczynski, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
12300 West Dakota Ave., Suite 130
Lakewood, CO 80228

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Western Service Center
Golden Hills Office Centre
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215

Friday, September 28, 2007

RECEIVED

001 0 1 2007

LAKEWOOD, CO

RE: CO-2007-0080-CO1974

REQUEST FOR ADMINISTRATIVE ADJUDICATION

Pursuant to 49 CFR 386.14(d)(1)(iii)(C), Global Energy, Inc. ("Global") requests a Formal Hearing.

Affirmative defenses include:

1. Global is current on its annual registrations with PHMSA in conformance with Subpart G of 49 CFR Part 107. Payments in the form of company checks and personal credit cards pays Global current to approximately June 30, 2010.
2. Global has made a good faith effort to comply with 49 CFR 171.2(d)/107.608. Attached correspondence reveals confusion on behalf of DOT employees as well as Mr. Johnson. The fee schedule lacks specificity.
3. The civil penalty applied to Global was arbitrary, capricious and confiscatory. Global has \$1,500,000 in gross sales, employs three employees, counting Mr. Johnson, has a payroll of less than \$100,000 and operating losses for the past five years.
4. Violation of 49 CFR 172.2(d)/107.608 has not created a health and safety issues. Confiscatory fines for small businesses were not the intent of legislation passed to fund hazardous materials emergency response planning and training.
5. Global is unable to pay a \$17,400 fine. Cessation of operations would result in bankruptcy and a disruption of cash flow. Mr. Johnson has been confronted with the following personal issues:
 - a. In September, 2003, his brother was murdered by an armed robber in Phoenix, AZ. The first-degree murder trial is scheduled for April, 2008.

- b. Mr. Johnson's brother left behind two small children that ended up in foster care, resulting in a protracted battle to bring them home to family.
- c. In March, 2005, Mr. Johnson's wife of 31 years filed for divorce, with final orders on October 16, 2007.
- 6. In accordance with 49 USC 521(b)(2)(D) and 5123(a), Global pleads:
 - a. The alleged violation did not endanger the health and safety of the public.
 - b. Culpability of Global. The cost of the permit as alleged is \$150-300. It was certainly never a money issue. Filing for the permit requires no prequalification thus there was no underlying reason for non-compliance as alleged.
 - c. The RSPA is unknown to many individuals in the propane industry and to law enforcement agencies engages in the everyday enforcement of traffic laws.
 - d. Global does not have the ability to pay.
 - e. The fine as proposed would required liquidation of assets needed to sustain the business. Attached is a balance sheet as provided the attorneys in Mr. Johnson's current divorce.
 - f. Justice and public safety have not been impaired due to this alleged infraction.
 - g. The proposed civil penalty goes beyond inducing compliance. The proposed penalty is confiscatory in nature. In the civil arena, punitive damages are generally three (3) times the damages. Assuming the alleged damage to the public were \$250, then punitive damages would be \$750, for a total of \$1000

I respectfully request leniency and understanding in this matter.

Sincerely,



David A. Johnson, President
Global Energy, Inc.

FAX COVER SHEET

Department
Transportation
Research & Special Programs
Administration

John A. Volpe
National Transportation
Systems Center
Kendall Square
Cambridge, MA 02142-1093

Date: 8/3/4

COVER & 3 PAGES

David Johnson
DORE
Hazardous Materials Registration
Support Center
PHONE: (800) 942 - 6990
FAX: (617) 494 - 3043

MESSAGE:

I HAVE PD ALL THE FEES & FILED
ALL THE PAPERS. I'M CONFUSED ????

David Johnson

4 Forms

SENDING FAX NUMBER:

303.660 9807



U.S. Department
Of Transportation

Research and
Special Programs
Administration

John A. Volpe
National Transportation
Systems Center

Kendall Square
Cambridge, Massachusetts 02142

Temporary Registration Number: 062204T50003M
Expiration Date: 09/17/2004

Date: 08/03/2004

DEAL ENERGY INC
WILCOX STREET
CASTLE ROCK, CO 80104

Dear DAVID A. JOHNSON:

This letter confirms that you initiated a Hazardous Materials Registration under expedited procedures and have been assigned the temporary Registration Number given above. This temporary Registration Number will expire on 09/17/2004 and may not be used after that date to prove compliance with the registration requirements.

To complete the registration process:

- (A) Check 'Expedited Followup' at the top of the enclosed blank Registration Statement.
- (B) Enter the assigned temporary Registration Number in the space supplied for the "Current Registration #".
- (C) Complete all items on the Registration Statement.
- (D) If you are not an SBA Small Business and are not a Not-for-Profit Organization under 26 U.S.C. 501(a), the remainder of the fee still owed is \$150. You may pay by enclosing a check or money order in that amount payable to the "U.S. Department of Transportation" or by supplying credit or debit card information. If you are a Small Business or a Not-for-Profit Organization, no further fee is required; please do not resubmit credit card information on this form.
- (E) Return the completed Registration Statement and a copy of this letter as proof of prior payment, along with any additional payment if required, to:

U. S. Department of Transportation
Hazardous Materials Registration
55 Broadway
Bldg. 3, Rm. 118C
Cambridge, MA 02142

Do not mail to the Atlanta address printed on the back of the form.

An informational brochure containing the Registration Statement form is enclosed. To complete the registration process before the expiration of the temporary Registration number, submit the completed Registration Statement no later than 10 days following the receipt of this letter. A Certificate of Registration will be mailed to you after you have submitted a Registration Statement. If you have any questions, please call the Hazardous Materials Registration Support Center at 617-494-2545.

Sincerely,

Gary R. Fredericks
Manager, Hazardous Materials
Registration Support Center

Enclosures



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

August 10, 2004

Registration No. 063004009023JL

DAVID A JOHNSON
GLOBAL ENERGY INC
19 WILCOX STREET
CASTLE ROCK, CO 80104

Dear Sir:

The U.S. Department of Transportation's Hazardous Materials Registration Program has received your company's registration statement for registration period 2001 - 2004. I am writing to inform you that the amount your company paid for this registration is in excess of the amount due. On January 9, 2003, the Research and Special Programs Administration published a Final Rule in the *Federal Register*, pages 1342-1346, lowering the fee for registration years 2003-2004, 2004-2005, and 2005-2006 for all registrants to an annual fee of \$125 (plus a \$25 processing fee for each registration form submitted) for small businesses and not-for-profit organizations, that is, organizations exempt from taxation under 26 U.S.C. 501(a), and \$275 (plus a \$25 processing fee for each registration form) for all other registrants. The annual fee for 2006-2007 and the following years was set at \$250 (plus a \$25 processing fee for each registration form) for small businesses and not-for-profit organizations, and \$975 (plus a \$25 processing fee for each registration form) for all other registrants. The fee for 2001 - 2004 for a small business is \$700.00. Because your company paid \$750.00, it is eligible for a refund of \$50.00.

In order to receive this refund you must complete and return the enclosed Form W-9, Request for Taxpayer Identification Number and Certification. Please be sure to write the registration number printed at the top of this letter in the appropriate place on the form. You can mail the form to us at:

Hazardous Materials Registration Program
Attn: Pat Cobb, DHM-60
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590

or you may fax it to us at 202-366-7435.

If your company is not a U.S. company and does not have a U.S. Taxpayer Identification Number, please enter "foreign co" in the place for that number. A signature is not required for such companies.

Without the Taxpayer Identification Number we are unable to process a refund. Please return the Form W-9 within 30 days of receiving this letter. Refunds will be made by a check issued and mailed by the U.S. Treasury. Please be advised that it may be several weeks before you receive the refund check.

If you have any questions, please call us at 202-366-4109 or e-mail to register@rspa.dot.gov.

Sincerely,



David W. Donaldson
Manager, Hazardous Materials
Registration Program

Enclosure



U.S. Department
of Transportation

Research and
Special Programs
Administration

John A. Volpe
National Transportation
Systems Center

Kendall Square
Cambridge, Massachusetts 02142

Temporary Registration Number: 062204T50003M
Expiration Date: August 06, 2004

Date: August 11, 2004

GLOBAL ENERGY INC
19 WILCOX STREET
CASTLE ROCK, CO 80104

Dear DAVID A. JOHNSON:

On June 22, 2004 you initiated, under expedited procedures, a Hazardous Materials Registration for the Registration Year 2004-05 and were assigned the temporary Registration Number given above. To prove compliance with the requirement that the registration be fully completed within 45 days from the date of issuance, you must complete the registration process by submitting a Registration Statement in accordance with 49 CFR 107.608 and 107.616(d).

A letter documenting the temporary Registration Number with instructions for completing the expedited registration and an informational brochure containing the Registration Statement form were sent to you on June 22, 2004. A letter notifying you of the expiration date of the temporary Registration was sent on 7/20/2004. As of this date, we have not received a Registration Statement to complete the registration process. Consequently, the temporary Registration Number expired on August 06, 2004 and may no longer be used.

You may not transport or offer for transportation hazardous materials unless you have registered by filing a Registration Statement and paid the associated fee for the current year. Failure to comply with these requirements may result in the imposition of civil and criminal penalties in accordance with 49 App. U.S.C. & 1809.

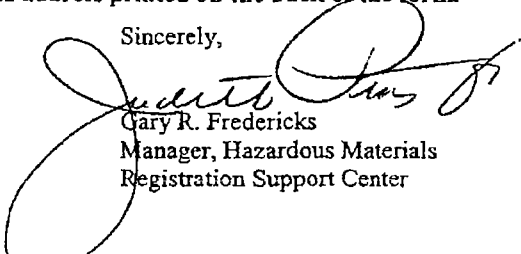
An informational brochure containing the Registration Statement form is enclosed. We urge you to file a Statement immediately so that a Certificate of Registration can be issued. To complete the registration process:

- (A) Check 'Expedited Followup' at the top of the enclosed blank Registration Statement.
- (B) Enter the assigned temporary Registration Number in the space supplied for the "Current Registration #".
- (C) Complete all items on the Registration Statement.
- (D) If you are **not** an SBA Small Business and are **not** a Not-for-Profit Organization under 26 U.S.C. 501(a), the remainder of the fee still owed is \$150. You may pay by enclosing a check or money order in that amount payable to the "U.S. Department of Transportation" or by supplying credit or debit card information. **If you are a Small Business or a Not-for-Profit Organization, no further fee is required; please do not resubmit credit card information on this form.**
- (E) Return the completed Registration Statement and a copy of this letter as proof of prior payment, along with any additional payment if required, to:

U. S. Department of Transportation
Hazardous Materials Registration
55 Broadway
Bldg. 3, Rm. 118C
Cambridge, MA 02142

Do not mail to the Atlanta address printed on the back of the form.

Sincerely,


Gary R. Fredericks
Manager, Hazardous Materials
Registration Support Center

Enclosures (45-Day)

FAX COVER SHEET

Transportation
Special Programs
Division

John A. Volpe
National Transportation
Systems Center
Kendall Square
Cambridge, MA 02142-1093

TO: DAVID JOHNSON

Date: 8/20/04

JUDIE

COVER & 2 PAGES

Various Materials Registration

Center

42 - 6990

494 - 3043

2 PAGE

ALL YOUR CERTIFICATES FOR THE MAT

JUDIE HELP!!

PLEASE CORRECT THE FOLLOWING !!

I HAVE 2 NUMBERS FOR 2004-2005
WHICH IS CORRECT??

THESE ARE CORRECT.

YOUR FAX NUMBER: _____

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS
CERTIFICATE OF REGISTRATION
FOR REGISTRATION YEAR(S) 2003-2005

Registrant: GLOBAL ENERGY, INC.
Attn: ALIMOURAD DAVID A. JOHNSON
12145 MORA DR. #13 19 WILCOX STREET
SANTA FE SPRINGS, CA 90670 CASTLE ROCK, CO 80104

This certificate certifies that the registrant is registered with the U.S. Department of Transportation as required by 49 CFR Part 107, Subpart G.

This certificate is issued under the authority of 49 U.S.C. 5108. It is unlawful to alter or falsify this certificate.

DOT: 052004 550 038LM Issued: 05/26/2004 Expires: 06/30/2005
Reissued: 08/20/2004

Record Keeping Requirements for the Registration Program

The following must be maintained at the principal place of business for a period of three years from the date of issuance of this Certificate of Registration:

- (1) A copy of the registration statement filed with RSPA; and
- (2) This Certificate of Registration

Each person subject to the registration requirement must furnish that person's Certificate of Registration to an authorized representative or special agent of the U. S. Department of Transportation upon request.

Each motor carrier (private or for-hire) and each vessel operator subject to the registration requirement must have a copy of the current Certificate of Registration or another document bearing the registration number displayed as the "U.S. DOT Hazmat Reg. No." in each truck and truck tractor or vessel (trailers and semi-trailers not included) used to transport hazardous materials subject to the registration requirement. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

For information, contact the Hazardous Materials Registration Manager, DHM-60 Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590 telephone (202) 366-4109.



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

August 24, 2004

Registration No. 063004009023JL

DAVID A JOHNSON
GLOBAL ENERGY INC
19 WILCOX STREET
CASTLE ROCK, CO 80104

Dear Sir:

This is to inform you that we have received your Taxpayer Identification Number and have authorized a refund for \$50.00 from the fee paid for the U.S. Department of Transportation's Hazardous Materials Registration Number 063004009023JL as explained in our letter of August 10, 2004. A check in this amount will be sent to you by U.S. Treasury within the next several weeks.

If you have any questions, please call (202) 366-4109.

Sincerely,

David W. Donaldson
Manager, Hazardous Materials
Registration Program

GLOBAL ENERGY, INC.

Balance Sheet
December 31, 2006

Assets:

	Amount
Cash	\$7,274.00
Accounts Receivable	\$129,980.00
Inventory - Propane	\$3,577.00
Vehicles:	
2004 Freightliner Bobtail	\$47,478.00
1996 Ford Bobtail	\$14,000.00
1999 GMC Service Truck	\$5,000.00
1980 Ford Service Truck	\$2,500.00
<u>Total</u>	<u>\$209,809.00</u>

Liabilities

Accounts Payable	\$89,097.00
Loans Payable - Global Leasing	\$24,106.00
Loans Payable - Center Capital (04 FTL)	\$28,487.00
Owner's Equity	\$68,119.00
<u>Total</u>	<u>\$209,809.00</u>

GLOBAL ENERGY
19 WILCOX ST

CASTLE ROCK CO 80104
RECEIVED

OCT 01 2007

ENHORA
LAKEWOOD, CO



7007 0710 0003 2026 8519



0000

80215



U.S. POSTAGE
PAID
CASTLE ROCK, CO
SEP 28, 07
AMOUNT

\$5.55
00085082-04

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
FMCSA DOCKET CLERK
WESTERN SERVICE CENTER
GOLDEN HILLS OFFICE CENTRE
12600 W. COLFAX AVE. SUITE B-300
LAKEWOOD, CO 80215

ATTACHMENT C

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

Global Energy, Inc.,

Respondent.

)
)
)
) Docket No. FMCSA-2007-0076
) CO-2007-0080-CO1974
) (Western Service Center)
)
)
)

**FIELD ADMINISTRATOR'S OBJECTION TO
RESPONDENT'S REQUEST FOR HEARING**

COMES NOW, the Field Administrator for U.S. Department of Transportation,
Federal Motor Carrier Safety Administration (FMCSA), Western Service Center (WSC)
by and through the undersigned, and hereby objects to Respondent's request for hearing.
In support thereof, the Field Administrator states as follows:

1. This civil penalty proceeding was commenced through the issuance of a
Notice of Claim on August 30, 2007, pursuant to 49 C.F.R. Part 386, which included a
Statement of Charges detailing the violations of the Federal Hazardous Materials
Regulations (HMRs) discovered during a compliance review of Global Energy, Inc.
("Respondent") completed on or about June 19, 2007. The Notice of Claim charged
Respondent with one violation of 49 C.F.R. §§ 171.2(d) / 107.608, offering or accepting a
hazardous material shipment in commerce without being registered with PHMSA in
conformance with Subpart G of 49 C.F.R. Part 107. The Notice of Claim proposed a

civil penalty of \$17,400. A copy of the Notice of Claim is attached hereto and identified as Attachment A.

2. Respondent timely replied to the Notice of Claim. In its reply Respondent requested administrative adjudication in the form of a formal hearing. A copy of the Respondent's reply is attached hereto and identified as Attachment B.

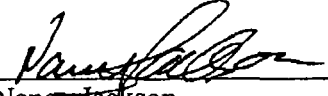
3. The Rules of Practice limit the opportunity for a hearing by requiring, at 49 C.F.R. § 386.16(b), the Assistant Administrator determine whether there exists any material facts in dispute before setting a case for hearing. The Field Administrator believes there is no material factual dispute warranting a hearing, and this matter may be decided on the written record; the Field Administrator will file an appropriate motion for final order in this matter pursuant to 49 C.F.R. §§ 386.16(b)(3) and 386.36.

WHEREFORE, the Field Administrator objects to Respondent's request for hearing, and gives notice of his intent to file a motion for final order.

Respectfully Submitted,
Attorneys for the Claimant,
Field Administrator

Date: November 30, 2007

By:



Nancy Jackson
Office of Chief Counsel
Federal Motor Carrier Safety Administration
12600 West Colfax Avenue., Suite B-300
Lakewood, Colorado 80215
303-407-2363
303-407-2339 (Fax)

CERTIFICATE OF SERVICE

This is to certify that on this 30th day of November 2007, the undersigned mailed or delivered as specified, the designated number of copies of the forgoing documents to the persons listed below.

David A. Johnson, President
Global Energy, Inc.
19 Wilcox St.
Castle Rock CO 80104

One Copy
U.S. Mail

Steve Farbman, Adjudications Counsel
U.S. Department of Transportation
1200 New Jersey, SE
Sixth Floor, West Building, Room W61-308
Washington, DC 20590-0001

One Copy
Federal Express
Trk# 7992 3114 3336

Steve Kleszczynski, Division Administrator
U.S. Department of Transportation
FMCSA – Colorado Division
12300 West Dakota Avenue, Suite 130
Lakewood, CO 80228

One Copy
Internal Mail

U.S. DOT Dockets
U.S. Department of Transportation
Room PL-401
400 Seventh Street, SW
Washington, D.C. 20590

Original
Federal Express
Trk# 7926 0728 3106

Nancy Jackson
Trial Attorney
Federal Motor Carrier Safety Administration
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215

One Copy
Internal Mail

11/30/2007

Heather Horton

ATTACHMENT D



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Western Service Center

555 Zang Street
Room 190
Lakewood, CO. 80228

Phone: (415) 744-3088
Fax:

Certified/ Return Receipt Requested

May 26, 2004

David Johnson, Owner
Global Energy Inc
19 Wilcox St
Castle Rock, CO 80104

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 107.608(b) /171.2(b); 180.407(c).

CIVIL PENALTY: \$2,980

Case Number: CO-2004-0104-CO3950

Dear Mr. Johnson:

A safety compliance review was conducted at your offices in Castle Rock, CO on May 20, 2004. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this review, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Global Energy Inc for the amount of \$2,980.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. **Also, under 49 CFR §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Global Energy Inc from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.**

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 107.608(b) /171.2(b)- Transporting a hazardous material without having registered with the Department, under Subpart G of Part 107.
2. One (1) violation of 49 CFR § 180.407(c)- Failing to periodically test and inspect a cargo tank.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Register with the Research and Special Programs Administration as required by 49 CFR Part 107, Subpart G. Do not offer for transportation and/or transport a quantity of hazardous materials subject to registration requirements unless you have on file a current annual certificate of registration. Ensure that a copy of the registration form is maintained at the company's principal place of business and in all subject transport vehicles.
2. Do not fill, offer for transportation, or operate a DOT specification cargo tank unless it has been retested and inspected in accordance with 49 CFR # 180.407(b) and (c). Maintain all retest and inspection reports in the same file with cargo tank certificates and manufacturer's data report in accordance with 49 CFR # 180.417(b).

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Under Section 222 of the Motor Carrier Safety Improvement Act of 1999, recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three or more enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third and subsequent enforcement actions. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to this "Section 222" provision and the maximum penalties have been assessed. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

PENALTY

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before assessing a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty assessment shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

The FMCSA also is not required by statute to consider these factors in assessing penalties for violations of the commercial regulations. However, in accordance with 49 U.S.C. § 14901(c), the FMCSA must, before assessing a civil penalty concerning the transportation of household goods, take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA has assessed a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>\$222 APPLIED</u>	<u>TOTAL</u>
107.608(b) /171.2(b)	HM	1	\$1,310.00		\$1,310.00
180.407(c)	HM	1	\$1,670.00		\$1,670.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$2,980.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the Federal Motor Carrier Safety Administration Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) PAYMENT OF PENALTY: Within 25 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at (415) 744-3088.

All payments must be by cashier or certified check, or money order made payable to the Federal Motor Carrier Safety Administration and mailed to: United States Department of Transportation, Federal Motor Carrier Safety Administration, Western Service Center, 555 Zang Street, Room 190, Lakewood, CO. 80228. Personal or company checks will not be accepted and will be returned. Alternatively, you may pay electronically through our Do-It-Yourself website at <http://diy.dot.gov> by

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalties assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commerical Regulations.

selecting "Federal Motor Carrier Safety Administration," then "FMCSA Fine Payments."

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice of Claim and these violations shall constitute prior offenses under either 49 U.S.C. § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 U.S.C. § 14901(c) (for violations of the commercial regulations involving transportation of household goods) or 49 U.S.C. § 5123(c) (for violations of the Hazardous Materials Regulations). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR A HEARING: You may request a hearing on the record on any material issues of fact in dispute. If you choose this course of action, you must carefully follow the provisions within 49 CFR SECTION 386.14, including filing a written Reply within 15 days after service of this Notice of Claim.

(3) SUBMISSION OF EVIDENCE AND ARGUMENT WITHOUT HEARING: You may also contest the allegations in the Notice of Claim without a formal hearing. To do so, you must serve notice of your intention to proceed in this manner by filing a written Reply within 15 days after service of this Notice of Claim (49 CFR §§ 386.14(b)(2) and 386.14(c)). Service of the notice of intent must also be made upon the Chief Safety Officer (Assistant Administrator) and all representatives listed in the Service List that is attached to this Notice of Claim. If you choose this option, you and the FMCSA Field Administrator for this Service Center are required to serve all written evidence and written argument on each party listed on the Service List and on the Chief Safety Officer for the Federal Motor Carrier Safety Administration, Attn: Dockets, 400 7th Street, S.W., Room PL-401, Washington D.C. 20590, within 40 days of the service date of this Notice of Claim (include a copy of this Notice of Claim with your initial filing to the Docket). All evidence must be in the form described in 49 CFR § 386.49, Form of Written Evidence. The Chief Safety Officer for the Federal Motor Carrier Safety Administration will make a final decision based on the written evidence and written argument submitted by all of the parties.

(4) BINDING ARBITRATION AVAILABILITY: You can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. If you want an arbitrator to decide whether the amount of the civil penalty is justified and/or the length of time to pay the civil penalty, you should notify the FMCSA of your request in writing when you submit your Reply. The Chief Safety Officer will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Chief Safety Officer's decision regarding your request. You can choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <http://www.fmcsa.dot.gov/>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR §386.31.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 WILL BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN FIFTEEN (15) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE EXACT MANNER SPECIFIED IN 49 CFR § 386.14 WILL BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR §

Case Number: CO-2004-0104-CO3950

386.14(e), A FAILURE TO REPLY WILL CAUSE THIS NOTICE OF CLAIM TO BECOME THE FINAL AGENCY ORDER IN THIS PROCEEDING TWENTY-FIVE (25) DAYS AFTER IT IS SERVED.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(b). UNLESS A CONCISE STATEMENT OF FACTS CONSTITUTING EACH DEFENSE IS PROVIDED IN YOUR REPLY, A DEFAULT MAY BE ENTERED AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,

Steven J Kleszczynski
Division Administrator
Federal Motor Carrier Safety Administration

Enclosures

APPLICABLE STATUTES

Violations of the provisions of the hazardous materials transportation statutes (49 U.S.C. 5101 et seq.) and the Hazardous Materials Regulations (HMRs)(49 C.F.R. Parts 171-180), issued pursuant to these statutes, are subject to a civil penalty of not more than \$32,500 and not less than \$275 for each violation. (49 USC § 5123, 68 Fed. Reg. 15381(March 31, 2003)). Each day the violation continues shall constitute a separate offense.

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 107.608(b) /171.2(b) - Transporting a hazardous material without having registered with the Department, under Subpart G of Part 107.

CHARGE #1:

On or about 03/01/2004, Global Energy Inc used driver Cindy Hand to drive a commercial motor vehicle transporting Liquefied Petroleum Gas, 2.1, a hazardous material, in commerce from Elizabeth, CO. to Kiowa, CO. without having on board the vehicle a copy of the Hazardous Materials Certificate of Registration issued by the Research and Special Programs Administration.

Violation 2 --- 49 CFR 180.407(c) - Failing to periodically test and inspect a cargo tank.

CHARGE #1:

On or about 03/01/2004, Global Energy Inc used Cindy Hand to drive a commercial motor vehicle transporting Liquefied Petroleum Gas, 2.1, a hazardous material in a cargo tank which had not been successfully tested or inspected. The shipment was transported in commerce from Elizabeth, CO. to Kiowa, CO. .

SERVICE LIST

This is to certify that on May 26, 2004, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

David Johnson, Owner
Global Energy Inc
19 Wilcox St
Castle Rock, CO 80104

Original
Certified/ Return Receipt Requested

Steven J Kleszczynski, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
555 Zang Street Room 264
Lakewood, CO 80228

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Western Service Center
555 Zang Street
Room 190
Lakewood, CO. 80228

One Copy
U.S. Mail or Electronic Mail

SUBJECT : Global Energy Inc

CASE NUMBER : CO-2004-0104-CO3950

Violation --- 49 CFR 107.608(b) /171.2(b) - Transporting a hazardous material without having registered with the Department, under Subpart G of Part 107.

CHARGE

On or about 03/01/2004, Global Energy Inc used driver Cindy Hand to drive a commercial motor vehicle transporting Liquefied Petroleum Gas, 2.1, a hazardous material, in commerce from Elizabeth, CO. to Kiowa, CO. without having on board the vehicle a copy of the Hazardous Materials Certificate of Registration issued by the Research and Special Programs Administration.

SUPPORTING DOCUMENTS

- 1) Statement from Global Energy Inc. Statement indicates that the carrier permitted Cindy Hand to drive a commercial motor vehicle requiring placarding under Title 49 CFR Subpart F, Part 172 in intrastate commerce on 03/01/04. The CMV Ms. Hand was operating contained Liquefied Petroleum Gas, 2.1. The statement further indicates that Global Energy Inc. failed to obtain a hazardous materials certificate of registration issued by the Research and Special Programs Administration.
- 2) Copy of Drivers Daily Log. Log shows that Cindy Hand drove 133 miles while operating unit #96 on 03/01/04.
- 3) Copy of CDLIS. Cindy Hand, DOB 11/08/67. Lic. # 98-342-0502, class A, End. X.
- 4) Copy of time sheet for Cindy Hand. Time sheet indicates that Ms. Hand worked on 03/01/04.
- 5) Copy of pay check belonging to Cindy Hand. Check covers work performed on 03/01/04.
- 6) Copy of HM shipping paper dated 02/27/04 from Phillips Petroleum, BOL #0003812. Shipping paper shows that Global Energy Inc. purchased propane from Phillips Petroleum for resale to its own customers. BOL also shows that Global Energy Inc. used Unit #96 to transport the propane.
- 7) Copy of vehicle registration. 1996 Ford with Colorado plate #477FVU, VIN # 1FDXR82E6TVA15150. Vehicle belongs to Global Energy Inc.
- 8) Copy of VINassist. VIN #1FDXR82E6TVA15150, GVWR 26,001 - 33,000 lbs.

SUBJECT : Global Energy Inc

CASE NUMBER : CO-2004-0104-CO3950

Violation --- 49 CFR 180.407(c) - Failing to periodically test and inspect a cargo tank.

CHARGE

On or about 03/01/2004, Global Energy Inc used Cindy Hand to drive a commercial motor vehicle transporting Liquefied Petroleum Gas, 2.1, a hazardous material in a cargo tank which had not been successfully tested or inspected. The shipment was transported in commerce from Elizabeth, CO. to Kiowa, CO. .

SUPPORTING DOCUMENTS

1) Statement from Global Energy Inc. Statement indicates that the carrier permitted Cindy Hand to drive a commercial motor vehicle requiring placarding under Title 49 CFR Subpart F, Part 172 in intrastate commerce on 03/01/04. The CMV Ms. Hand was operating, unit #96, contained Liquefied Petroleum Gas, 2.1. The statement further indicates that Global Energy Inc. failed to obtain a hazardous materials certificate of registration issued by the Research and Special Programs Administration.

2) Copy of Drivers Daily Log. Log shows that Cindy Hand drove 133 miles while operating unit #96 on 03/01/04.

3) Copy of CDLIS. Cindy Hand, DOB 11/08/67. Lic. # 98-342-0502, class A, End. X.

4) Copy of time sheet for Cindy Hand. Time sheet indicates that Ms. Hand worked on 03/01/04.

5) Copy of pay check belonging to Cindy Hand. Check covers work performed on 03/01/04.

6) Copy of HM shipping paper dated 02/27/04 from Phillips Petroleum, BOL #0003812. Shipping paper shows that Global Energy Inc. purchased propane from Phillips Petroleum for resale to its own customers. BOL also shows that Global Energy Inc. used Unit #96 to transport the propane.

7) Copy of Cargo Tank Test / Inspection Report. Report shows that unit #96, VIN # 1FDXR82E6TVA15150, is an MC 331 Cargo Tank. Report further shows that it was tested on 12/14/01, and that the retest due date for V (External Visual Inspection) & K (Leakage Test) was 12/02, no retest has been conducted.

8) Copy of vehicle registration for unit #96. 1996 Ford with Colorado plate #477FVU, VIN # 1FDXR82E6TVA15150. Vehicle belongs to Global Energy Inc.

9) Copy of VINassist. VIN #1FDXR82E6TVA15150, GVWR 26,001 - 33,000 lbs.

ATTACHMENT E



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Western Service Center

Golden Hill Office Center
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215

Phone: (303) 407-2350
Fax: (303) 407-2339

August 23, 2004

Mr. David A. Johnson
Global Energy, Inc.
19 Wilcox Street
Castle Rock, CO 80104

Re: Case No. CO-2004-0104-CO3950

Dear Mr. Johnson:

Enclosed please find a copy of the fully executed Settlement Agreement and payment coupons regarding the above referenced case. **ALL PAYMENTS MUST BE MADE BY CASHIER'S CHECK, CERTIFIED CHECK OR MONEY ORDER.** Alternatively, you may pay electronically through the Department of Transportation's Do-It-Yourself website at <http://diy.dot.gov> by selecting "Federal Motor Carrier Safety Administration," then "FMCSA Fine Payments." Any personal or business checks received will be returned and could cause your payment to be overdue. Overdue payments will require the issuance of an order to show cause why your company should not be ordered to cease interstate transportation.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine C. Ehret".

Lorraine Ehret
Enforcement Coordinator

Handwritten initials "for" in cursive script, positioned to the left of the typed name and title.

Enclosure

cc: Division Administrator Steve Kleszczynski



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Western Service Center

Golden Hills Office Center
12600 W. Colfax Ave. Suite B-300
Lakewood, CO 80215

Phone: (303) 407-2360

Fax: (303) 407-2339

August 11, 2004

Mr. David A. Johnson
Global Energy, Inc.
19 Wilcox St.
Castle Rock, CO. 80104

Re: Case Number CO-2004-0104-CO3950

Dear Mr. Johnson,

In confirmation of the telephone conversation of July 8, 2004 between Mr. David A. Johnson of Global Energy, Inc. and Enforcement Specialist Max LeBleu in the Western Service Center regarding the outstanding civil forfeiture claim, this letter is to acknowledge and accept your offer to settle the claim of the United States for **\$1,800.00** in accordance with the procedures and provisions as set forth in the agreement.

Enclosed is a Settlement Agreement for your execution. Please return the signed Agreement to Motor Carrier Docket Clerk, Federal Motor Carrier Safety Administration, at the address above. Upon receipt, I will execute the Settlement Agreement and a copy will be returned to you.

FAILURE TO RETURN THE SIGNED SETTLEMENT AGREEMENT BY AUGUST 25, 2004 WILL VOID THE AGREEMENT, AND APPROPRIATE ACTION WILL BE TAKEN TO IMMEDIATELY COLLECT THE FULL PENALTY OF \$2,980.00. IT IS IMPERATIVE THAT YOU RETURN THE SIGNED SETTLEMENT AGREEMENT TO THIS OFFICE.

Thank you for your cooperation in this matter.

Sincerely,

David B. Martin
Field Administrator

Enclosures

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of)	
)	
David A. Johnson)	Case No. CO-2004-0104-CO3950
Global Energy, Inc.)	
19 Wilcox St.)	
Castle Rock, CO. 80104)	

SETTLEMENT AGREEMENT

The parties to this agreement are:

Global Energy, Inc. (hereinafter called the **RESPONDENT**), a motor carrier of property by motor vehicle in interstate commerce

and

The **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION** of the Department of Transportation (hereinafter called the **FMCSA**).

The parties agree as follows:

1. The **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION** has a claim for **\$2,980.00** against the **RESPONDENT** for the following violations:

One (1) violation of 49 CFR §107.608(b) / 171.2(b) – Transporting a hazardous material without having registered with the Department, under Subpart G of Part 107.

One (1) violation of 49 CFR §180.407(c) - Failing to periodically test and inspect a cargo tank.

This claim letter was served on or about May 27, 2004.

2. Pursuant to the Federal Claims Collection Act of 1966, 31 U.S.C. Chapter 37, Subchapter II, and the regulations of the FMCSA in 49 C.F.R. § 386, the parties desire to settle the claim. This agreement for settlement of the claim is made pursuant to 49 CFR § 386.16(c).

3. In consideration of the settlement of the claim, the RESPONDENT agrees to pay the FMCSA, and the FMCSA agrees to accept as full settlement, the negotiated amount of **\$1,800.00**, in *six (6)* consecutive monthly installment payments.
4. Execution of this Settlement Agreement will constitute admission of the violation(s) set forth in this Agreement and these violations shall constitute prior offenses under 49 U.S.C. § 521(b)(2)(D), and/or 14901(c), and/or 5123(c), which will lead to higher penalties in future enforcement actions, and adverse future SafeStat rankings.
5. The RESPONDENT will pay all payments by **cashier's check, certified check or money order**, made payable to the **Federal Motor Carrier Safety Administration**. To expedite processing and ensure proper credit, checks should be annotated with the FMCSA Case Number. Payments are to be mailed to:

Federal Motor Carrier Safety Administration
Western Service Center
Golden Hills Office Center
12600 W. Colfax Ave., Suite B-300
Lakewood, Colorado 80215

Alternatively, RESPONDENT may pay electronically through the Department of Transportation's Do-It-Yourself website at <http://diy.dot.gov> by selecting "Federal Motor Carrier Safety Administration," then "FMCSA Fine Payments."

6. The first payment of **\$300.00** is due no later than **September 9, 2004**. The second payment of **\$300.00** is due no later than **October 9, 2004**. The third payment of **\$300.00** is due no later than **November 9, 2004**. The fourth payment of **\$300.00** is due no later than **December 9, 2004**. The fifth payment of **\$300.00** is due no later than **January 9, 2005**. The sixth and final payment of **\$300.00** is due no later than **February 9, 2005**.
7. Failure to pay in accordance with the terms of this agreement, which has been adopted as a Final Order, will result in the loss of any reductions in penalties for claims found to be valid, and the original amount claimed will be due immediately. **For example, if any payment is not received by the due date, the payment plan set out above will be void and the FMCSA will take steps to immediately collect the entire remaining original debt.** In addition, interest, penalties and administrative charges will be assessed on the total amount of the debt remaining at the maximum allowable rate and in accordance with FMCSA procedures. **If the entire amount is not paid within 90 days of the missed due date, RESPONDENT will be prohibited from operating in interstate commerce and RESPONDENT's registration will be suspended or revoked, in accordance with 49 C.F.R. §§ 386.83 and 386.84.**
8. This settlement agreement is to be executed by the RESPONDENT and returned to the FMCSA. This settlement agreement is not binding upon the FMCSA until executed by the Field Administrator. Prior to the execution of this agreement by the Field Administrator, this agreement is an offer in compromise by the RESPONDENT and may

not be withdrawn for a period of thirty (30) days after it is executed by the RESPONDENT.

9. The RESPONDENT acknowledges that it has received adequate notice of the FMCSA's claim and waives any and all rights it may have to further notice or to further details of the allegations that gave rise to the claim.
10. Should any provision of this Settlement Agreement be held invalid or illegal, such illegality shall not invalidate the whole Settlement Agreement, but, rather, the Settlement Agreement shall be construed as if it did not contain the invalid or illegal part, and the rights and obligations of the Parties shall be construed and enforced accordingly.

GLOBAL ENERGY, INC.
TAX ID # 84-1319238

BY: David A. Johnson
DAVID A. JOHNSON
OWNER

Date: 18 Aug 04

**** RETURN THE SIGNED AGREEMENT TO:**
MOTOR CARRIER DOCKET CLERK
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
WESTERN SERVICE CENTER
12600 W. COLFAX AVE., SUITE B-300
LAKEWOOD, COLORADO 80215 **

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
WESTERN SERVICE CENTER

BY: David B. Martin
DAVID B. MARTIN
FIELD ADMINISTRATOR

Date: 08/23/04

ATTACHMENT F

hazardous materials in liquid and gas form in intrastate commerce. Global Energy has two vehicles, including one Hazardous Materials cargo tank truck, and two commercially licensed drivers.

3. A compliance review was initiated on or about June 19, 2007, as a result of a complaint about Global Energy's poor safety and maintenance program. The carrier's representative during the review was David Johnson, President and Owner of Global Energy. The purpose of the compliance review was to determine whether Global Energy was in compliance with Federal statutes and regulations, including the Federal Motor Carrier Commercial Regulations (FMCCRs), Federal Hazardous Material Regulations (HMRs), and the Federal Motor Carrier Safety Regulations (FMCSRs). During the review, the gross revenue of the carrier was determined to be \$2,000,000 for the year ending December 31, 2006; this figure was provided by the carrier at the time of the review. According to records maintained by FMCSA, Global Energy has previously maintained registrations with RSPA/PHMSA. Copies of the registration applications for 1996-2004 obtained from USDOT/PHMSA are attached as Exhibit 1. A copy of the record of registrations obtained by the Investigator from PHMSA's website prior to the 2007 compliance review is attached as Exhibit 2.

4. According to records maintained by FMCSA, Global Energy was the subject of an earlier compliance review by Technician C.R. Hurley on May 17, 2004. During that review Technician Hurley discovered five instances of Global Energy drivers transporting hazardous materials without properly registering with the Department of Transportation. A copy of his compliance review report is attached as Exhibit 3. At the time of the compliance review Technician Hurley informed the carrier how to come into

compliance with the HMR and supplied Global Energy with references, phone numbers, and additional information about registration with PHMSA.

5. The 2004 compliance review resulted in an enforcement action. A Notice of Claim in case number CO-2004-0104-CO3950 was served on May 26, 2004. In the Notice of Claim Global Energy was cited for one violation of 49 C.F.R. 107.608(b)/171.2(b), transporting a hazardous material without having registered with the Department under subpart G of part 107, and one violation of 49 C.F.R. § 180.407(c), failing to periodically test and inspect a cargo tank. A copy of the settlement agreement is attached to the Field Administrator's Motion for Final Order and identified as Attachment E. In executing the settlement agreement, Global Energy admitted to the violations set forth in the agreement, and acknowledged that the violations would constitute prior offenses under 49 U.S.C. § 5123(c), which would lead to higher penalties in subsequent enforcement actions and adverse SafeStat rankings. Global Energy satisfied its payment obligations under the settlement agreement.

6. The most recent compliance review conducted of Global Energy was completed on or about June 19, 2007. During the course of the review the investigator, Trooper Duncan, discovered significant violations of the HMRs. Global Energy failed to remedy its failure to register as a Hazmat carrier until a few days before the compliance review, thereby resulting in another violation of 49 C.F.R. 107.608(b) on May 28, 2007. A copy of the compliance review reflecting the findings of the review and the carrier's resulting conditional safety rating is attached as Exhibit 4.

Violation cited in the Notice of Claim

7. A copy of the Notice of Claim prepared in this case is attached to the Field Administrator's Motion for Final Order and identified as Attachment A. One violation is cited in the Notice of Claim.

8. **Violation 1 – offering or accepting a hazardous material for transportation in commerce or transporting a hazardous material in commerce without being registered with PHMSA in violation of 49 C.F.R. §§ 171.2(d)/107.608.**

On or about May 28, 2007, Global Energy transported Liquefied Petroleum Gas, 2.1, UN1075, a hazardous material, in commerce from Denver, CO to various locations in Colorado. During this transportation Global Energy offered/transported a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 C.F.R. Part 107. A true and accurate copy obtained from the carrier's files of a shipping paper for May 28, 2007, documenting Global Energy driver Todd Stollfus transported Liquefied Petroleum Gas, 2.1, UN1075 3125 GAL, from Denver, CO to various locations in Colorado is attached as Exhibit 5. A true and accurate copy obtained from the carrier's files of a time sheet for driver Todd Stollfus indicating that he delivered LP on May 28, 2007, while working a fourteen hour shift is attached as Exhibit 6.

9. During the compliance review the investigator questioned David Johnson about Global Energy Inc.'s transportation of hazardous materials. When asked about why Global Energy failed to renew its PHMSA registration until June 13, 2007, less than a week before the review, Mr. Johnson indicated that he forgot to update his registration until he was contacted by the investigator about the pending compliance review. A copy

of the PHMSA Certificate of Registration effective June 15, 2007, is attached as Exhibit 7. Mr. Johnson also made a written statement to the investigator admitting that he knowingly allowed Todd Stollfus to drive a commercial vehicle requiring placarding under Title 49 C.F.R. Subpart F Part 172 in intrastate commerce on May 28, 2007, about three weeks prior to obtaining the PHMSA registration.² A true and accurate copy of the written statement signed by David Johnson is attached as Exhibit 8.

Proposed Civil Penalty

10. In conjunction with the Notice of Claim a penalty assessment worksheet was prepared using the Uniform Fine Assessment (UFA) model with respect to the civil penalty proposed in this matter. The UFA is a computer-based software model which assists the decision-maker in weighing statutorily mandated factors in determining consistent and case-appropriate penalty amounts. In this case, the statutory factors set forth in 49 U.S.C. § 5123(c) were considered in the proposed penalty, including: the nature, circumstances, extent, and gravity of the violation; the degree of culpability of the carrier, any history of the carrier's prior violations, its ability to pay, any effect on its ability to continue to do business; and other matters that justice and public safety may require. A true and accurate copy of the UFA worksheet completed as part of the issuance of the Notice of Claim is attached to the Field Administrator's Motion for Final Order and identified as Attachment H. The proposed penalty reflects a history of violations of a

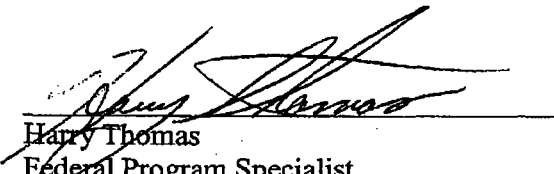
² There is a typographical error in the sworn statement indicating that the company registered on June 13, 2006. According to his statements at the compliance review, the date the Respondent actually applied for the registration is actually June 13, 2007. In addition, according to the registration, which is attached to the 2007 compliance review, the date of issue is June 15, 2007. See Exhibit 4.

closed enforcement case for violation of the HMRs. The prior case, CO-2004-0104-CO3950, was closed through the execution of a settlement agreement on or about September 8, 2004. The settlement agreement in CO-2004-0104-CO3950 specifically stated:

Execution of this Settlement Agreement will constitute admission of the violation(s) set forth in this Agreement and these violations shall constitute prior offenses under 49 U.S.C. § 521(b)(2)(D), and/or 14901(c), and/or 5123(c), which will lead to higher penalties in future enforcement actions, and adverse future SafeStat rankings.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 5th day of May 2008.


Harry Thomas
Federal Program Specialist
Federal Motor Carrier Safety Administration
Colorado Division

ATTACHMENT G

have knowledge of the facts herein and if so called, I am competent to testify regarding the facts set forth in this declaration.¹

2. Acting in my official capacity, I oversee the application for registration of various companies with our agency in accordance with 49 CFR Part 107, Subpart G, including Global Energy, Inc. (Global Energy). Global Energy primarily operates as a private motor carrier operating commercial motor vehicles transporting hazardous materials in liquid and gas form in intrastate commerce.

3. An expedited application for registration for year 2004/2005 was initiated with PHMSA on or about June 22, 2004. Global Energy called our customer support center in Cambridge, MA and gave preliminary information and a credit card number. PHMSA issued, over the phone, a temporary registration number of 062204T50003M good for 45 days. Global Energy was still required to complete a registration form and return it to us within 45 days. According to PHMSA records we mailed Global Energy a confirmation letter and a registration brochure and form, which Global Energy was to fill out and return within 45 days in order to receive a registration certificate. Our records for this registration show that PHMSA sent the initial materials on June 22, 2004, the date Global Energy made the phone call. When Global Energy did not respond within 30 days, PHMSA sent a letter on July 22, 2004, reminding Global Energy of the need to submit a completed form. When Global Energy still had not responded within 45 days, PHMSA sent a second reminder letter on August 11, 2004. A copy of the August 11, 2004, letter is attached as Exhibit 9. The record also shows a follow-up letter on August 3, 2004. A

¹ The evidence included in this submission has been redacted to attempt to remove complete personally identifying information including social security numbers, taxpayer identification numbers and dates of birth. Unredacted copies are maintained in the Division's electronic file for this carrier.

copy of this letter is attached as Exhibit 10. The expiration date of 09/17/2004 shown on the August 3, 2004 letter is 45 days from August 3; the expiration date resulted from the electronic production of the letter and the system calculating the expiration data from the date of issuance. PHMSA did not intentionally extend the temporary period beyond August 11, although we do recognize the 09/17/2004 date to the benefit of the carrier.

4. On or about August 16, 2004, a certificate of registration was produced for Global Energy; PHMSA sent four letters before they finally submitted the formal written application. This application is attached as Exhibit 11. Global Energy dated the signature on the application form "8 May 2004" but the fax information line records the actual date of faxing as 08/14/2004. This application for registration indicated that Global Energy, Inc. had offered or transported in commerce a hazardous material that requires placarding in the prior calendar year (2003), and was located in Castle Rock, CO. The application was certified by the President of Global Energy, David Johnson, and credit card information was supplied but not processed at this time as payment had been processed via the same credit card account on 6/22/04. As a result of this application, Global Energy was granted a registration under number 062204851003M, the change in the number indicating the change from a temporary number to a completed registration.

5. On or about June 30, 2004, PHMSA received additional registration applications from Global Energy for years 1996/1998, 1998/2001, and 2001/2004. Copies of these applications are attached as Exhibit 12. These applications for registration showed that Global Energy, Inc. had offered or transported in commerce a hazardous material requiring placarding in the prior calendar year, and was located in Castle Rock, CO. Each application was certified by the President of Global Energy, David Johnson, and

accompanied by payment via a check. Because PHMSA did not allow multi-year applications until the year 2000, the carrier had to resubmit single year applications for years 1996-2000 in August of 2004. As a result of its corrected applications, Global Energy was issued registration certificates for the years 1996 to 2004.

6. On or about September 17, 2004, PHMSA refunded Global Energy of Castle Rock, Colorado's 2004/2005 registration fee because PHMSA records erroneously indicated that they had registered and paid twice for that year. PHMSA sent Global Energy of Castle Rock a letter informing them that registration number 062204851003M would be cancelled; the letter informed Global Energy of Castle Rock that its correct registration number was 052004550038MN. A copy of the repayment paperwork is attached as Exhibit 13. Global Energy's new registration, 052004550038MN, was submitted for 2003/2005 and initially assigned registration number 052004550038LM. On 8/20/04 PHMSA altered the registration period to 2004/2006 to reflect that Global Energy had a registration through 2004, and the registration number to 052004550038MN. However, this registration was actually submitted and paid for by Global Energy of Santa Fe Springs, CA.

This refund was the result of an internal agency error linking the records of Global Energy of Castle Rock, Colorado, to the records of Global Energy of Santa Fe Springs, California. When registration number 052004550038LM (for 2003-2005) was changed to 052004550038MN (for 2004-2006) on or about 8/20/2004, the expiration date printed on the certificate changed to June 30, 2006. Global Energy of Castle Rock was called before this change was made, and after it was done, PHMSA sent a certificate to

them. PHMSA's records show that a certificate was printed on 8/20/04, which had an expiration date of June 30, 2006.

As a result, registration number 062204851003M was cancelled as duplicative. Notice of the cancellation was sent to Global Energy of Castle Rock on or about September 17, 2004. Exhibit 13.

7. On or about June 27, 2005, this error was corrected and the record for Global Energy of Santa Fe Springs, registration number 052004550038MN, was associated with its proper company record. This left Global Energy of Castle Rock with no registration for 2004/2006. PHMSA records do not indicate whether Global Energy of Castle Rock was informed of this correction although multiple means of checking its registration status are available to it.

8. As part of our general business practices at PHMSA we send annual reminders to our registrants to renew its registration. This is only done if the registrant was registered in the previous two years. A review of PHMSA's internal records shows that in August of 2005, Global Energy of Caste Rock was sent this mailing based on its 2001/2004 registration. They did not receive a subsequent reminder mailing due to the invalidation of its 2004/2006 registration, and its failure to register again until June of 2007.

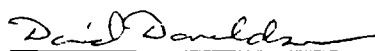
9. In addition, PHMSA has several numbers that we give people for various types of help. The support center in Cambridge used to be covered 24/7 but since last July 1 has been covered from 7 am to 7 pm Monday through Friday. The number is 1-800-942-6990 or 617-494-2545. The August 3, 2004 letter sent to Global Energy of Castle Rock lists 617-494-2545 as the number for the Hazardous Materials Registration Support Center. Exhibit 10. On letters that originate in the District of Columbia, PHMSA often

gives 202-366-4484, the main office number, or, until March 2007, PHMSA had a registration customer help desk in District of Columbia at 202-366-4109. This last number has been replaced with the more comprehensive Hazardous Materials Information Center number 1-800-467-4922. Any of these numbers can be called to check on a motor carrier's registration status or to ask other types of questions. These numbers are published annually in our informational brochure and are widely known and used by the public. PHMSA's website at <http://phmsa.dot.gov/hazmat/register> has much information on the registration program, including the informational brochure, and a link to a website where the public can look up a summary of company history, including all registration numbers. The search is limited to company name, registration number, US DOT number, MC/MX number, or zip code, and contains a link to the on-line registration service.

10. On or about June 13, 2007, PHMSA received an internet registration application from Global Energy for 2005/2008. A copy of the application is attached as Exhibit 14. This application for registration indicated that Global Energy, Inc. had offered or transported in commerce hazardous material requiring placarding in the prior calendar year, and was located in Castle Rock, CO. The application was certified by the President of Global Energy, David Johnson, and accompanied by payment via credit card. As a result of this application, Global Energy was granted a registration on June 13, 2007. A copy of the email confirmation is attached as Exhibit 15.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 28th day of April 2008.



David Donaldson
Manager, Hazardous Material Registration Program
Pipeline and Hazardous Materials Safety
Administration
U.S. Department of Transportation

ATTACHMENT H

UNIFORM FINE ASSESSMENT

Subject Information

Name: GLOBAL ENERGY INC

Case #: CO-2007-0080-CO1974
Review Date: 6/19/2007
Gross Revenue: \$2,000,000
Case Type: CR
Prior Cases: 0

History(HM): Previous enforcement for history for HM violations (Closed Cases only)

Good Faith Effort: No
History(FMCSR): No Enforcement History
USDOT #: 1050749
Factor 6 Rating: Satisfactory
Number of Drivers: 2
Power Units: 2
Fleet Mileage: 47,000

Penalty Information

	Safety	HM	Combined
Statutory Criteria Adj. Score :	20%	56%	N/A
Maximum Fine Possible:	\$0	\$50,000	\$50,000
Maximum Fine Possible Cap:	\$0	\$28,000	\$28,000
Adjusted Gross Revenue:	\$22,000	\$55,000	N/A
Gross Revenue Cap:	\$4,400	\$30,800	\$30,800
Absolute Cap:	\$137,500	\$137,500	\$137,500
Recommended Penalty:	\$0	\$28,000	\$28,000 (\$25,200 to \$30,800)
Assessed Penalty:	N/A	N/A	\$17,400
Within Range?	N/A	N/A	No

Violations Documented

HM Violations

Primary #: 171.2(d) Category: Other
Secondary #: 107.608

Recommended Penalty: \$17,400 # of Records Checked: 1
Number Documented: 1 # of Violations Discovered: 1
Documented Fine Total: \$17,400 Normalized # of Violations: 1

History: Previous enforcement for history for HM violations (Closed Cases only)

Extent: 100% (Special Case: 1 checked - 1 violation found)
Gravity: Violation only
Activity: Knew of the activity
Economic: Subject unaware of benefit received

Violations Documented

HM Violations

Description: Offering or accepting a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107.

EXHIBIT 1

7. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2003 for the 2004-2005 Registration Year) and the state(s) in which you operated (see instructions).

A. ☐ Offered or transported in commerce a highway route controlled quantity of a Class 7 (radioactive) material.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

B. ☐ Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

C. ☐ Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

D. ☐ Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

E. ☐ Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including a hazardous waste) for which placarding of a vehicle, rail car, or freight container is required.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

F. ☒ Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

G. ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name DAVID A. JOHNSON Phone 303 660-9290
(Print the signer's name)

Title PRESIDENT

Certifier's Signature David Johnson Date 23 JUN 04

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

MAIL COMPLETED FORM
WITH PAYMENT TO:

U.S. Department of Transportation
Hazardous Materials Registration
P.O. Box 740188
Atlanta, GA 30374-0188

Please retain a copy of this form for your records.

Bank of America
 P.O. Box 100978
 Atlanta, Georgia 30384
 Lockbox Services Atlanta Government
 (770) 774-6444

GLOBAL ENERGY, INC. 07-96 5177
 10 WILCOX ST. 803-860-9579
 CASTLE ROCK, CO 80104
 DATE 25 Jun 04
 PAY TO THE ORDER OF U.S. Department of Transportation \$600.00
 Six hundred & 00/100 DOLLARS
 1ST BANK
 24 HOUR BANKING 800-874-6000
 MEMO Hazardous Material Fee Dave J. [Signature]
 ⑆107002503⑆9515000211⑆ 5177

TR#	107002503	Acct#	9515000211	Ser#	5177	Check Amount	\$600.00
TID	Y-1012316	Batch	9	Item	25	Batch Total	\$12,825.00
Grp#	1	Trace Number	062204T50003M			Trans Source	Check



GLOBAL ENERGY INC

7. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2003 for the 2004-2005 Registration Year) and the state(s) in which you operated (see instructions).

A. ☐ Offered or transported in commerce a highway route controlled quantity of a Class 7 (radioactive) material.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

B. ☐ Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

C. ☐ Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

D. ☐ Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

E. ☐ Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including a hazardous waste) for which placarding of a vehicle, rail car, or freight container is required.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

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MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

F. ☒ Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b).

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

G. ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name DAVID A. JOHNSON Phone 303 660-9290
(Print the signer's name)

Title PRESIDENT

Certifier's Signature [Signature] Date 23 JUN 04

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

MAIL COMPLETED FORM
WITH PAYMENT TO:

U.S. Department of Transportation
Hazardous Materials Registration
P.O. Box 740188
Atlanta, GA 30374-0188

Please retain a copy of this form for your records.

Bank of America
 P.O. Box 100978
 Atlanta, Georgia 30384
 Lockbox Services Atlanta Government
 (770) 774-6444

GLOBAL ENERGY, INC. 07-98 5178 24
 18 WILCOX ST. 303-680-9579
 CASTLE ROCK, CO 80104
 DATE 23 Jun 04
 PAY TO THE ORDER OF U.S. Department of Transportation \$900.00
Nine hundred & 00/100 DOLLARS
 1ST BANK
 24 HOUR BANKING (303) 374-3000
 David J. [Signature]
 107002503 9515000211 5178

TR#	107002503	Acct#	9515000211	Ser#	5178	Check Amount	\$900.00
TID	Y-1012983	Batch	9	Item	24	Batch Total	\$12,825.00
Grp#	1	Trace Number	062204Y50003M			Trans Source	Check



GLOBAL ENERGY INC

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A. ☐ Offered or transported in commerce a highway route controlled quantity of a Class 7 (radioactive) material.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

B. ☐ Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

C. ☐ Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

D. ☐ Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

E. ☐ Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including a hazardous waste) for which placarding of a vehicle, rail car, or freight container is required.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

F. ☒ Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

G. ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name DAVID A. JOHNSON Phone 303 660-9290
(Print the signer's name)

Title PRESIDENT

Certifier's Signature David Johnson Date 23 JUN 04

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

MAIL COMPLETED FORM
WITH PAYMENT TO:

U.S. Department of Transportation
Hazardous Materials Registration
P.O. Box 740188
Atlanta, GA 30374-0188

Please retain a copy of this form for your records.

Bank of America
 P.O. Box 100978
 Atlanta, Georgia 30384
 Lockbox Services Atlanta Governm
 (770) 774-6444

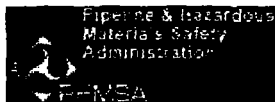
GLOBAL ENERGY, INC. 07-98 19 WILCOX ST. 303-880-0579 CASTLE ROCK, CO 80104		82-258/1076 881300011	5179
DATE <u>23 Jun 04</u>		27	
PAY TO THE ORDER OF <u>U.S. Department of Transportation</u>		\$750.00	
<u>Seven hundred fifty & 00/100</u>		DOLLARS	
STBANK			
24 HOUR BANKING (770) 874-8800			
MEUC <u>David A. Johnson</u>			
⑆107002503⑆9515000211⑆ 5179			

TR#	107002503	Acct#	9515000211	Ser#	5179	Check Amount	\$750.00
TID	Y-1040921	Batch	9	Item	23	Batch Total	\$12,825.00
Grp#	1	Trace Number	062204T50003M			Trans Source	Check



GLOBAL ENERGY INC

EXHIBIT 2



Company Information

[Back To List](#)

Company Details


Contact Name: DAVID A. JOHNSON
Company Name: GLOBAL ENERGY INC
Street: 19 WILCOX STREET
City: CASTLE ROCK
State/Province/District: CO
Zip/Postal Code: 80104
Country: USA
USDOT ID #: 1050749
MC/MX #: N/A
Railroad Code: N/A

Registration Year	REGISTRATION ID	Suspended?	
9697	063004009025E	No	View/Print
9798	081904999001F	No	View/Print
9899	063004009024G	No	View/Print
9900	081904999002H	No	View/Print
0001	081904999003I	No	View/Print
0104	063004009023JL	No	View/Print
0405	062204851003M	Yes	

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EXHIBIT 3

COLORADO STATE PATROL - MOTOR CARRIER SAFETY

	US DOT #: 01050749	Legal: GLOBAL ENERGY INC		
		Operating (DBA):		
Review Type: CR Status: Update Place: Principal Office Census Type: Carrier Business: Corporation	Physical Address: 19 Wilcox St Castle Rock, CO, 80104 Mailing Address: 19 Wilcox St Castle Rock, CO, 80104		Phone: 3036609579 Toll Free: Fax #: E-Mail:	
		MC/MX #:	Federal Tax ID # 84-1319238 (EIN)	
Operation Type Carrier Operation: Shipper Operation: CT Operation:		Interstate N/A N/A N/A	Intrastate HM N/A N/A	Territory:

Carrier Classification

Private Property

Cargo Classification

Liquids / Gases in Cargo Tanks

Hazardous Materials

(C= Carried S=Shipped B= Bulk N=NonBulk)

2.1 LPG

C

B

Drivers

INTER

INTRA

Avg. Trip Leased Drivers/Mo.:

<100 Miles:

4

Total Drivers:

4

>= 100 Miles:

CDL Drivers:

4

Does carrier transport placardable quantities of HM?

Yes

Equipment

Truck: 1 Owned

HM Cargo Tank Truck: 3 Owned

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

15200 S. Golden Rd.

Golden, CO 80401

(303)273-1875

This report will be used to assess your safety compliance.

Person(s) Interviewed: David Johnson

Title(s): Owner

REPORTED BY:

TITLE:

TECHNICIAN

CODE: CO3950

DATE: 5/20/2004

RECEIVED BY:

TITLE:

Pres

CAPRI: 6.1.1

PART A

Printed 5/20/2004 7:38:47 AM



GLOBAL ENERGY INC

USDOT: 01050749 State #:

Date: 05/20/2004

Page: 1 of 4

Part B - Violations

1 FEDERAL	Primary: 40.25(b) Secondary: 382.105	Discovered 4	Checked 4	Drivers/Vehicles In Violation Checked 4 4
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Description

Failing to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer.

Example

Driver: Cindy Hand

Intrastate trip date: 03/01/04

Carrier failed to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer.

2 FEDERAL	Primary: 107.608(b) Secondary: 171.2(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation Checked 0 0
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Description

Transporting a hazardous material without having registered with the Department, under Subpart G of Part 107.

Example

Date: 03/04/04

Shipping document number: 0004675

Carrier transported a hazardous material without having registered with the Department, under Subpart G of Part 107.

3 FEDERAL	Primary: 172.604(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation Checked 0 0
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Description

Failing to provide an emergency response telephone number.

Example

Date: 03/04/04

Shipping document number: 0004675

Carrier failed to provide an emergency response telephone number.

4 FEDERAL	Primary: 172.704(d)	Discovered 4	Checked 4	Drivers/Vehicles In Violation Checked 0 0
--------------	---------------------	-----------------	--------------	---

Description

Failing to retain a record of training provided to a hazardous material employee, including any requirement not met in 172.704(d)(1) through (5).

Example

Driver: Brian Nelson

Intrastate trip date: 03/04/04

Date of training: 09/23/03

Employee's HM Function: Driver /HM Employee

Carrier failed to retain a record of training provided to a hazardous material employee, including any requirement not met in 172.704(d)(1) through (5).

5 FEDERAL CRITICAL	Primary: 180.407(c)	Discovered 2	Checked 3	Drivers/Vehicles In Violation Checked 2 3
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Description

Failing to periodically test and inspect a cargo tank.

Received By:

Title:

Capri 6.1.1.225

Printed: 5/20/2004 7:37:06 AM



GLOBAL ENERGY INC

USDOT: 01050749 State #:

Date: 05/20/2004

Page: 2 of 4

Part B - Violations

Example

Date: of violation: 03/01/04

Shipping document number: 0003812

Carrier transported a shipment of hazardous material in a cargo tank that has not been retested in accordance with 180.407. V,K test for Unit #96 was last conducted on 12/14/01.

6 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 0 0
--------------	------------------------	-----------------	--------------	---

Description

Failing to ensure that each driver selected for random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Example

Driver: Cindy Hand

Intrastate trip date: 03/01/04

Carrier failed to include Ms. Hand's name in the random selection pool, therefore failed to ensure that each driver had an equal chance of being selected for alcohol and controlled substance testing.

7 FEDERAL	Primary: 382.601(a)	Discovered 4	Checked 4	Drivers/Vehicles In Violation Checked 4 4
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Description

Failing to provide educational materials explaining requirements of part 382 and employer's policies.

Example

Driver: Timothy Goodwin

Intrastate trip date: 05/14/04

Carrier failed to provide any educational material explaining the requirements of part 382 and employer's policies.

8 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 3	Checked 4	Drivers/Vehicles In Violation Checked 3 4
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Description

Using a driver who has not completed and furnished an employment application.

Example

Driver: Cindy Hand

Intrastate trip date: 03/01/04

Carrier used a driver who has not completed and furnished an employment application as required by 391.21.

9 STATE	Primary: 391.23(a) CFR Equivalent: 391.23(a)	Discovered 4	Checked 4	Drivers/Vehicles In Violation Checked 4 4
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Description

Failing to investigate driver's background.

Example

Driver: Leeland Reed

Intrastate trip date: 05/13/04

Carrier failed to investigate Mr. Reed's background as required by 391.23.

10 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
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Description

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Received By: Title: 

Capri 6.1.1.225

Printed: 5/20/2004 7:37:06 AM



GLOBAL ENERGY INC

USDOT: 01050749 State #:

Date: 05/20/2004

Page: 3 of 4

Part B - Violations

Example

Driver: Leeland Reed

Intrastate trip date: 05/13/04

Carrier failed to make an inquiry into Mr. Reed's driving record at least once every 12 months.

11 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 1	Checked 4	Drivers/Vehicles In Violation Checked 1 4
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Description

Failing to maintain driver's employment application in driver's qualification file.

Example

Driver: Brian Nelson

Intrastate trip date: 03/04/04

Carrier failed to maintain Mr. Nelson's employment application in his driver qualification file.

12 STATE CRITICAL	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	Discovered 2	Checked 4	Drivers/Vehicles In Violation Checked 2 4
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Description

Failing to maintain inquiries into driver's driving record in driver's qualification file.

Example

Driver: Timothy Goodwin

Intrastate trip date: 05/14/04

Carrier failed to maintain inquiries into Mr. Goodwin's driving record in his driver qualification file.

13 STATE CRITICAL	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 120	Checked 120	Drivers/Vehicles In Violation Checked 4 4
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Description

Failing to require driver to make a record of duty status.

Example

Driver: Leeland Reed

Intrastate trip date: 05/13/04

Carrier failed to require its driver's to make a record of duty status.

14 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 4	Checked 4	Drivers/Vehicles In Violation Checked 4 4
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Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example

Driver: Timothy Goodwin

Intrastate trip date: 03/01/04

Vehicle info: 1998 International with Colorado license 849GZC, VIN #1HTSDAAL6WH557746.

Carrier failed to maintain maintenance records which identifies its vehicle's tire size.

15 STATE	Primary: 396.3(b)(2) CFR Equivalent: 396.3(b)(2)	Discovered 4	Checked 4	Drivers/Vehicles In Violation Checked 4 4
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Description

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Received By:

Title:

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GLOBAL ENERGY INC

USDOT: 01050749 State #:

Date: 05/20/2004

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Part B - Violations

Example

Driver: Timothy Goodwin

Intrastate trip date: 03/01/04

Vehicle info: 1998 International with Colorado license 849GZC, VIN #1HTSDAAL6WH557746.

Carrier failed to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

16 STATE CRITICAL	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 180	Checked 240	Drivers/Vehicles In Violation Checked 4 4
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Description

Failing to require driver to prepare driver vehicle inspection report.

Example

Driver: timothy Goodwin

Intrastate trip date: 05/14/04

Vehicle info: 1998 International with Colorado license 849GZC, VIN #1HTSDAAL6WH557746.

Carrier failed to require its driver to prepare a driver vehicle inspection report at the completion of each days work.

17 STATE	Primary: 396.19(b) CFR Equivalent: 396.19(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 0 0
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Description

Failing to maintain evidence of inspector's qualifications.

Example

Inspectors name: David Johnson

Inspection date: 12/14/03

Intrastate trip date: 05/12/04

Carrier failed to maintain evidence of inspector's qualifications.

18 STATE	Primary: 396.25(e) CFR Equivalent: 396.25(e)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 0 0
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Description

Failing to retain evidence of brake inspector's qualifications.

Example

Brake Inspector's name: David Johnson

Inspection date: 12/14/03

Intrastate trip date: 05/12/04

Carrier failed to maintain evidence of inspector's qualifications.

Safety Fitness Rating Information:		OOS Vehicles (CR): 0	
Total Miles Operated	50,000	Number of Vehicles Inspected (CR): 0	
Recordable Accidents	0	OOS Vehicles (MCMIS): 0	
Recordable Accidents/ Million Miles	0.000	Number of Vehicles Inspected (MCMIS): 1	
Your proposed safety rating is: UNSATISFACTORY		Rating Factors	Acute Critical
		Factor 1: S	0 0
		Factor 2: C	0 1
		Factor 3: U	0 2
		Factor 4: C	0 1
		Factor 5: C	0 1
		Factor 6: S	- -

Received By:

Title:

Capri 6.1.1.225

Printed: 5/20/2004 7:37:06 AM



GLOBAL ENERGY INC

USDOT: 01050749

Date: 05/20/2004

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Requirements and/or Recommendations

- 1 **INQUIRIES FROM PREVIOUS EMPLOYERS** - Employer SHALL in accordance with Part 40 section 40.25, and pursuant to the driver's written permission, inquire about the following information on a driver from the driver's previous employers, during the preceding 2 yrs. from the date of application: (i) Alcohol tests with a result of 0.04 % alcohol concentration or greater, (ii) Verified positive controlled substances test results; and (iii) Refusals to be tested. This information is required to be maintained by the previous employers for a period of 5 yrs. in accordance with section 382.401(b)(1)(i) through (iii).
If feasible, this information must be obtained and reviewed by the employer prior to the first time a driver performs a safety-sensitive function, but no later than 14-calenders after the first time a driver performs a safety-sensitive function [382.413(b)].
- 2 **HAZMAT REGISTRATION** - No person required to file a registration statement may transport a hazardous material or cause a H/M to be transported or shipped, unless such person has on file, in accordance with 107.620, a current Certificate of Registration [107.608(b)]. The registration and fee requirements apply to any person who offers for transportation, or transports, in foreign, interstate or intrastate commerce those hazardous materials as listed in 107.601(a)(1) through (6). Each person must submit a complete and accurate registration statement on DOT Form F 5800.2 not later than June 30 for each registration year. Each registration year begins on July 1 and end on June 30 of the following year [107.608(a)].
- 3 Establish a system to ensure that each shipment of hazardous materials is accompanied by a properly prepared shipping paper, including quantity, proper D.O.T. shipping name, hazard class, identification number, packing group number, and emergency telephone number.
- 4 **Recordkeeping.** A record of current training, inclusive of the preceding three years, in accordance with this section shall be created and retained by each hazmat employer for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter. The record shall include: The hazmat employee's name; The most recent training completion date of the hazmat employee's training; a description, copy, or the location of the training materials used to meet the requirements in paragraph (a) of this section; The name and address of the person providing the training; and certification that the hazmat employee has been trained and tested, as required by this subpart.
- 5 **CARGO TANK INSPECTIONS** - Each specification cargo tank must be tested and inspected [180.407(c), by an inspector meeting the qualifications in 180.409 and marked in accordance with 180.415, [180.407(a)(5)]. See 180.407(c) table for following test requirements: External visual, internal visual, lining, leakage, pressure, and thickness test.
- 6 **RANDOM TESTING** - All driver's required to operate commercial motor vehicle with a GVWR or GCWR in excess of 26,000 lbs. shall be placed into a random testing pool, the test shall be made by a scientific valid method as required by [382.305(i)].
- 7 **WRITTEN POLICY** - Each employer SHALL provide educational materials that explain the requirements of Part 382 (Controlled Substances and Alcohol Use and Testing) and the employer's policies and procedures with respect to meeting these requirements [382.601(a)]. The employer SHALL ensure that a copy of these materials is distributed to each driver prior to the start of testing [382.601(a)(1)], and the employer SHALL ensure that each driver is required to sign a statement certifying that he/she received a copy [382.601(d)]. The educational materials to be made available to drivers SHALL include detailed discussion of the information listed in section 382.601(b)(1) through (11).

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TITLE:

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RECOMMENDATIONS

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GLOBAL ENERGY INC

USDOT: 01050749

Date: 05/20/2004

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Requirements and/or Recommendations

- 8 EMPLOYMENT APPLICATION - Carrier SHALL ensure that all drivers provide an application for employment that is completed in accordance with 391.21(b), and the application SHALL be kept in the driver qualification file in accordance with section 391.51(b)(1).
- 9 PAST EMPLOYER INVESTIGATION - Carrier SHALL within 30 days of the date of employment [391.23(c)], make an investigation of the driver's employment during the preceding 3 years [391.23(a)(2)], and this written record shall be retained in the driver's qualification file in accordance with 391.51(b)(2).
- 10 ANNUAL DRIVING RECORD INQUIRY - Carrier SHALL at least once every 12 months, make an inquiry into the driving record of each driver employed, covering at least the preceding 12 months [391.25(a)], and retain the response of each State agency [391.25(c)], in the driver qualification file in accordance with section 391.51(b)(4).
- 11 DRIVING RECORD INQUIRY - Carrier SHALL within 30 days of the date of employment [391.23(b)], make an inquiry into the driver's driving record during the preceding 3 years to the appropriate agency of every State in which the driver held a motor vehicle operator's license [391.23(a)(1)], and each response SHALL be retained in the driver's qualification file in accordance with 391.51(b)(2).
- 12 100 AIR-MILE EXEMPTION - A carrier can exempt a driver [395.1(e)] from the requirements of 395.8 (Driver's record of duty status) if the driver qualifies for the 100 air-mile (115.08 statute miles) exemption. To qualify, the following conditions must be met. (1) Driver operates within 100 air-mile radius of normal work reporting location; (2) Driver returns to work reporting location and is released from work within 12 consecutive hrs.; (3) At least 8 consecutive hours off duty separates each 12 hours on duty; (4) Driver does not exceed 10 hrs. max. driving time following 8 consecutive hrs. off duty; and (5) Carrier maintains and retains for a period of 6 months accurate and true time records showing: (i) Time the driver reports for duty each day; (ii) Total number of hours the driver is on duty each day; (iii) Time the driver is released from duty each day; and (iv) Total time for the preceding 7 days in accordance with 395.8(j)(2) for drivers used for the first time or intermittently. (See also Regulatory Guidance 395.1, Questions 12 through 24 and Regulatory Guidance 395.8, Question 19 and 20)
- 13 MAINTENANCE RECORDS - Ensure all vehicles subject to carrier control are systematically inspected repaired and maintained [396.3(a)]. Establish and maintain a written record for each vehicle controlled for 30 consecutive days or more by the motor carrier [396.3(b)], to include identification of the vehicle including company number, if so marked, make serial number year, and tire size [396.3(b)(1)]. The record shall also be a means to indicate the nature and due date of the various inspection and maintenance operations to be performed [396.3(b)(2)]. (It is suggested that you keep records pertaining to each individual unit in its own folder or jacket) Records required by section 396.3 SHALL be retained where the vehicle is either housed or maintained for a period of 1 year and for 6 months after the vehicle leaves the carrier's control [396.3(c)].
- 14 INSPECTOR QUALIFICATIONS - Ensure that each individual(s) performing an annual (periodic) inspection under 396.17(d) or (e) is qualified in accordance with section 396.19(a). Evidence of that individual's qualifications to inspect SHALL be retained by the carrier for the period during which that individual is performing annual motor vehicle inspections for the motor carrier, and for one year thereafter [396.19(b)].
- 15 (a) The motor carrier shall ensure that all inspections, maintenance, repairs or service to the brakes of its commercial motor vehicles, are performed in compliance with the requirements of this section.
(b) For purposes of this section, "brake inspector" means any employee of a motor carrier who is responsible for ensuring all brake inspections, maintenance, service, or repairs to any commercial motor vehicle, subject to the motor carrier's control, meet the applicable Federal standards.

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TITLE:



GLOBAL ENERGY INC

USDOT: 01050749

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Requirements and/or Recommendations

(c) No motor carrier shall require or permit any employee who does not meet the minimum brake inspector qualifications of §396.25(d) to be responsible for the inspection, maintenance, service or repairs of any brakes on its commercial motor vehicles.

(d) The motor carrier shall ensure that each brake inspector is qualified as follows:

(d)(1) Understands the brake service or inspection task to be accomplished and can perform that task; and
(d)(2) Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an assigned brake service or inspection task; and

(d)(3) Is capable of performing the assigned brake service or inspection by reason of experience, training or both as follows:

(d)(3)(i) Has successfully completed an apprenticeship program sponsored by a State, a Canadian Province, a Federal agency or a labor union, or a training program approved by a State, Provincial or Federal agency, or has a certificate from a State or Canadian Province which qualifies the person to perform the assigned brake service or inspection task (including passage of Commercial Driver's License air brake tests in the case of a brake inspection); or

(d)(3)(ii) Has brake related training or experience or a combination thereof totaling at least one year. Such training or experience may consist of:

(d)(3)(ii)(A) Participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance or inspection similar to the assigned brake service or inspection tasks; or

(d)(3)(ii)(B) Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task in a motor carrier maintenance program; or

(d)(3)(ii)(C) Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task at a commercial garage, fleet leasing company, or similar facility.

16 PENALTIES - This report contains violations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

17 "Notice: Recurring violations of the same or related acute or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action."

18 Notice: On April 28, 2003, the FMCSA published a final rule revising the hours-of-service regulations for commercial motor vehicles drivers. Under the new rule, drivers may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on-duty. Similar to existing rules, drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eighth-consecutive-day period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty. Short-haul truck drivers, who routinely return to their place of dispatch after each duty tour and then are leased from duty, may have an increased on-duty period of 16 hours once during any seven consecutive day period.

Carriers and commercial motor vehicle drivers are required to comply with the current hours-of-service rules through January 3, 2004. Compliance with the "new" regulations is mandatory for all carriers, except passenger-carrying operations, beginning on January 4, 2004. Passenger-carrying motor carriers and drivers are not subject to the new maximum driving limits. For more information on these regulations, please access the FMCSA website at WWW.fmcsa.dot.gov.

RECEIVED BY:

TITLE:

CAPRI: 6.1.1

RECOMMENDATIONS

Printed: 5/20/2004

7:37 AM



GLOBAL ENERGY INC

U.S. DOT #:01050749

Review Date:

05/20/2004

Part C

Reason for Review: Other

Unrated carrier

Planned Action: Prosecution

CO-2004-0104-CO3950

Safestat Category:

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177
	✓	✓	✓	✓	✓	✓		✓	✓	✓			✓	✓	✓	✓

Prior ReviewsPrior Prosecutions

Who should conduct follow-up review: State

Special Study Information:

Unsat/Unfit Information

Does passenger vehicle transport more than 15 passengers, including driver?

Does carrier transport placardable quantities of hazardous materials? Yes - Intrastate

Unsat/Unfit rule: Not Applicable

Gross Revenue: 680,000.00

For Year Ending: 12/31/2003

Remarks:

On May 17, 2004, I conducted a compliance review on Global Energy Inc. The carrier is currently unrated and has not previously had a review.

The review was conducted at the carrier's principle place of business in Castle Rock, CO. I met with the owner, David Johnson. Mr. Johnson was cooperative and assisted me during the review.

The carrier began its operations in Colorado in 1996. Currently the carrier has four driver's, one service vehicle and three HM cargo tanks that are subject to the regulations.

While conducting the review, I found that the carrier did not comply with the following:

PART 40

Global Energy Inc. failed to request information from previous DOT regulated employers of driver applicant.

PART 107 (Hazmat):

Global Energy Inc. transports 2.1 HM (propane) in a MC 331 cargo tank. The carrier failed to register with the Department as required, under Subpart G of Part 107.

PART 172 (Hazmat):

Global Energy Inc. failed to provide an emergency response telephone number on its shipping paper, and failed to retain records of training provided to its hazardous material employee's.



GLOBAL ENERGY INC

U.S. DOT #:01050749

Review Date:

05/20/2004

Part C

*Note, the carrier fill out the RSPA registration form on May 8, 2004, but has still not mailed it in.

PART 180 (Hazmat):

Global Energy Inc. transported hazardous material in a cargo tank that has not been retested in accordance with Part 180.407. Cargo tanks V (external visual inspection) & K (leakage test) was last tested 12/01.

*Note, carrier had Cargo Tank Test / Inspection Report in its possession, the report clearly indicates that the tank retest due date is 12/02.

PART 382:

Global Energy Inc. failed to include two of its driver's (Cindy Hand & Leeland Reed) in its random testing pool, and failed to provide any educational material to its driver's regarding the requirements of part 382 and employer's policies.

*Note, Carrier hired Wiz Quiz out of Castle Rock, Co. to act as its consortium on 09/22/03. Carrier stated that when they which consortium's from Clinical Laboratory to Wiz Quiz they forgot to include the two names. Global Energy Inc. is part of a large testing pool, therefore the two missing names did not effect the consortium testing rate.

PART 391:

Global Energy Inc. failed to maintain a complete driver qualification file on its driver's. The following documentation is required to be maintained in the files: Application for employment that meets the requirements of Part 391.21, inquiries into past employers, inquiries into MVR's and annual review of state driving record.

PART 395:

Global Energy Inc. operates under the 100 air-mile radius exemption, and requires its driver's to use a time sheet. However, the time sheet used by the carrier does not meet the requirements of 395.1(e), start/finish and total hours are not shown.


I informed the carrier on how to come into compliance with FMCSR. I also supplied them with phone numbers and web-sites for references. Mr. Johnson was given blank copies of required documents in order to assist him with getting into compliance.

Recommendation: I recommend a case against the carrier for transporting hazardous material without having registered with the Department, under Subpart G of Part 107, and transporting hazardous material in a cargo tank that has not been retested in accordance with Part 180.407.

Principal Reviewer Signature <i>C.R. Johnson</i>	CO3950	Upload Authorized: Yes No
Assistant Reviewers Signature(s)		Authorized by: Date:
		Uploaded: Yes No Failure Code:
		Verified by: Date:

EXHIBIT 4

Colorado State Patrol - Motor Carrier Safety Section

	US DOT # 1050749	Legal: GLOBAL ENERGY INC		
	Operating (DBA):			
MC/MX #:		Federal Tax ID: 84-1319238 (EIN)		
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:
Operation Types:				
	Interstate	Intrastate		
Carrier:	N/A	HM	Business: Corporation	
Shipper:	N/A	N/A	Gross Revenue: \$2,000,000.00 for year ending: 12/31/2006	
Cargo Tank:	N/A			
Company Physical Address:				
19 WILCOX ST CASTLE ROCK, CO 80104				
Contact Name: David Johnson				
Phone numbers: (1) 303- 660-9579		(2)	Fax 303-660-9007	
E-Mail Address:				
Company Mailing Address:				
19 WILCOX ST CASTLE ROCK, CO 80104				
Carrier Classification				
Private Property				
Cargo Classification				
Liquids / Gases in Cargo Tanks				
Hazardous Materials				
2.1 LPG		Carried	Bulk	
Does carrier transport placardable quantities of HM?		Yes		
Is an HM Permit required?		N/A		
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:		2	Total Drivers: 2	
>= 100 Miles:			CDL Drivers: 2	
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	1	0	0	HM Cargo Tank Truck
				Owned Term Leased Trip Leased
	1	0	0	
Power units used in the U.S.: 2				
Percentage of time used in the U.S.: 100				





GLOBAL ENERGY INC
U.S. DOT #: 1050749

Review Date:
08/02/2007

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

15075 South Golden Road
Golden, CO 80401
(303) 273-1875

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: David Johnson

Title: President

Name:

Title:





GLOBAL ENERGY INC
U.S. DOT #: 1050749

Review Date:
08/02/2007

Part B Violations

1 FEDERAL	Primary: 40.15(i) Secondary: 382.105	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Using a service agent (e.g., SAP or MRO) providing services in a manner that violates the DOT drug and alcohol regulations. Example The Wiz -Quiz Trip date May 28, 2007 The Wiz-Quiz has failed to provide documents as requested for compliance review to determine compliance with testing numbers and reporting. Global Energy Inc used a service agent (e.g., SAP or MRO) providing services in a manner that violate the DOT drug and alcohol regulations.					
2 FEDERAL	Primary: 171.2(d) Secondary: 107.608	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Offering or accepting a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107. Example May 28, 2007 Shipping document # 0077805 Liquefied Petroleum Gas, 2.1, UN1075 Global Energy Inc offered or accepting a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107.					
3 FEDERAL	Primary: 172.604(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to provide the emergency response telephone number of the person offering the HM for transportation, or of an organization capable of and taking responsibility for providing the information required. Example Trip date May 28, 2007 Shipping document # 0077805 Liquefied Petroleum Gas, 2.1, UN1075 Carrier not subscribed with Chemtrec and using their number.					
4 FEDERAL CRITICAL	Primary: 382.301(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example Driver Todd J Stollfus Trip date May 28, 2007 Hire Date March 2006 Global Energy Inc used a driver before the motor carrier has received a negative pre-employment controlled substance test result.					





GLOBAL ENERGY INC
U.S. DOT #: 1050749

Review Date:
08/02/2007

Part B Violations

5 FEDERAL	Primary: 382.401(c)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to maintain semi-annual laboratory statistical summaries of urinalysis required by 40.29(g)(6). Example Driver Todd J Stollfus Trip date May 28, 2007 January to June 2007 Global Energy Inc failed to maintain semi-annual laboratory statistical summaries of urinalysis required by 40.29(g)(6).					
6 FEDERAL	Primary: 382.403(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to prepare an annual calendar year summary. Example Driver Todd J Stollfus Trip date May 28, 2007 Year 2006 Global Energy Inc failed to prepare an annual calendar year summary.					
7 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Driver Todd J Stollfus Trip date May 28, 2007 Global Energy Inc failed to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.					
8 STATE CRITICAL	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 60	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to require driver to make a record of duty status. Example Driver Todd J Stollfus Trip date May 28, 2007 Global Energy Inc failed to require driver to make a record of duty status.					
9 STATE CRITICAL	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 60	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to require driver to prepare driver vehicle inspection report. Example Driver Todd J Stollfus Trip date May 28, 2007 385BFG Colorado Global Energy Inc failed to require driver to prepare driver vehicle inspection report.					





GLOBAL ENERGY INC
U.S. DOT #: 1050749

Review Date:
08/02/2007

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 47,000
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

CONDITIONAL

Rating Factors	Acute	Critical
----------------	-------	----------

Factor 1:	S	0	0
Factor 2:	C	0	1
Factor 3:	U	0	2
Factor 4:	C	0	1
Factor 5:	S	0	0
Factor 6:	S	-	-





GLOBAL ENERGY INC
U.S. DOT #: 1050749

Review Date:
08/02/2007

Part B Requirements and/or Recommendations

1. Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
2. A copy of your carrier profile can be obtained for \$20 from the SAFER website (www.safersys.org) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
3. "Notice: Recurring violations of the same or related acute or related acute or critical regulations (violations of the same part in title 49 of the code of Federal Regulations) that result in three enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action.
4. Penalties-This report contains violations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
5. HAZMAT REGISTRATION - No person required to file a registration statement may transport a hazardous material or cause a H/M to be transported or shipped, unless such person has on file, in accordance with 107.620, a current Certificate of Registration [107.608(b)]. The registration and fee requirements apply to any person who offers for transportation, or transports, in foreign, interstate or intrastate commerce those hazardous materials as listed in 107.601(a)(1) through (6). Each person must submit a complete and accurate registration statement on DOT Form F 5800.2 not later than June 30 for each registration year. Each registration year begins on July 1 and end on June 30 of the following year [107.608(a)].
6. PLEASE NOTE: The violations discovered during this Compliance Review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA or Colorado State Patrol during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified to you by the investigator. Attached to this report is Table 1 which identifies all the documented violations which were discovered during the course of this compliance review.
7. ANNUAL DRIVING RECORD INQUIRY - Carrier SHALL at least once every 12 months, make an inquiry into the driving record of each driver employed, covering at least the preceding 12 months [391.25(a)], and retain the response of each State agency [391.25(c)], in the driver qualification file in accordance with section 391.51(b)(4).
8. ANNUAL REVIEW OF DRIVING RECORD - Carrier SHALL at least once every 12 months, review the driving record of each driver employed [391.25(b)], and maintain a written note [391.25(c)(2)], to include the name of the person who performed the review of the driving record and the date of such review; and this SHALL be maintained in the driver qualification file in accordance with 391.51(b)(5).
9. QUARTERLY REPORTS - Employer or laboratory SHALL make available copies of all analytical results for employer drug testing programs (quarterly reports) when requested by DOT or any DOT agency with regulatory authority over the employer [40.29(g)(7)].
The laboratory SHALL provide the quarterly report to the employer or consortium not more than 14 calendar days after the end of the quarter covered by the summary [40.29(g)(6)]. The summary SHALL contain only the information listed in 40.29(g)(6)(i) through (iii).
(See also Regulatory Guidance 40.29 question 3)
10. PRE-EMPLOYMENT TESTING - Ensure that prior to the first time a driver performs safety-sensitive functions, the driver shall undergo testing for controlled substances as a condition prior to being used and he/she shall not perform a safety-sensitive function until the carrier has received a controlled substances test result from the MRO indicating a verified negative test result [382.301(a)].
If the employer exercises the exception for pre-employment testing [382.301(c)], and prior to the first time a driver





GLOBAL ENERGY INC
U.S. DOT #: 1050749

Review Date:
08/02/2007


Part B Requirements and/or Recommendations

performs a safety-sensitive function, the employer must comply with section 382.301(d)(1), and obtain and retain the listed testing program information in sections 382.301(d)(1)(i) thru 382.301(d)(1)(vi)).

11. Website - A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html. For additional information check the following websites: www.fmcsa.dot.gov/ www.fmcsa.dot.gov/factsfigs/eta/forms.html.
12. 100 AIR-MILE EXEMPTION - A carrier can exempt a driver [395.1(e)] from the requirements of 395.8 (Driver's record of duty status) if the driver qualifies for the 100 air-mile (115.08 statute miles) exemption. To qualify, the following conditions must be met. (1) Driver operates within 100 air-mile radius of normal work reporting location; (2) Driver returns to work reporting location and is released from work within 12 consecutive hrs.; (3) At least 10 consecutive hours off duty separates each 12 hours on duty; (4) Driver does not exceed 11 hrs. max. driving time following 10 consecutive hrs. off duty; and (5) Carrier maintains and retains for a period of 6 months accurate and true time records showing: (i) Time the driver reports for duty each day; (ii) Total number of hours the driver is on duty each day; (iii) Time the driver is released from duty each day; and (iv) Total time for the preceding 7 days in accordance with 395.8(j)(2) for drivers used for the first time or intermittently. (See also Regulatory Guidance 395.1, Questions 12 through 24 and Regulatory Guidance 395.8, Question 19 and 20)



Colorado State Patrol - Motor Carrier Safety Section

	US DOT #	Legal: GLOBAL ENERGY INC
	1050749	Operating (DBA):

MC/MX #: Federal Tax ID: 84-1319238 (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory:

Operation Types Interstate Intrastate

Carrier: N/A HM

Shipper: N/A N/A

Cargo Tank: N/A

Business: Corporation

Gross Revenue: \$2,000,000.00 for year ending: 12/31/2006

Company Physical Address:

19 WILCOX ST
CASTLE ROCK, CO 80104

Contact Name: David Johnson

Phone numbers: (1) 303- 660-9579

(2)

Fax 303-660-9007

E-Mail Address:

Company Mailing Address:

19 WILCOX ST
CASTLE ROCK, CO 80104

Report Summary

Report

of Pages

Part A - General

2

Part B - Violations

3

Part B - Recommendations

2

Review/Audit Receipt Page

1

Total Pages

8

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

15075 South Golden Road
Golden, CO 80401
(303) 273-1875

This report will be used to assess your safety compliance.

Person(s) interviewed

Name: David Johnson

Title: President

Name:

Title:

Reported By: 

Title: Trooper

Code: CO1974 Date: 8/2/2007

Received By: 

Title: President





GLOBAL ENERGY INC
U.S. DOT #: 1050749

Review Date:
08/02/2007

Part C

Reason for Review: Complaint Investigation CO-2007-0286-CO1974
Planned Action: Prosecution CO-2007-0080-CO1974
Safestat Category: H

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
✓	✓	✓	✓	✓	✓	✓		✓	✓				✓	✓	✓	✓	✓	✓

Prior Reviews

5/20/2004

Prior Prosecutions

9/8/2004

Unsat/Unfit Information

Does passenger vehicle transport more than 15 passengers, including driver?

Does carrier transport placardable quantities of hazardous materials? Yes - Intrastate

Unsat/Unfit rule: Not Applicable

Corporate Contact: David Johnson

Corporate Contact Title: President

Special Study Information:

Remarks:

On June 18, 2007 I performed a compliance review on Global Energy at their place of business in Castle Rock, Co. The carrier had a complaint from a previous employee who alleged that the carrier failed to test its cargo tanks and had a poor maintenance program. The carrier had a previous compliance review by Technician Hurley and several of the same issues were discovered during that review. The carrier has had declining business since the last review and is down to operating only one tank truck and one service truck. Mr. Johnson, owner, told me that he will have to close his business due to a divorce and lack of work. Mr. Johnson continued to tell me his story during the review. He was forth coming with information and made copies of all requested documents. During the review the following violations were discovered.

Part 40

The carrier is using Wiz-Quiz as its drug testing consortia for DOT compliance. Wiz-Quiz has refused to comply with requests by myself and SI McBride of the Denver FMCSA to disclose the semi-annual and annual reports, and list of company drivers in the random selection pool. I have tried for over a month to obtain the documents so I could properly document any violation the company might have with its drug and alcohol testing program. Due to the lack of cooperation I am given no choice but to only consider what the company had on file.

Part 171

The carrier was operating with out a current PHMSA permit until the 13th of June, 2007. Mr. Johnson told me that he forgot that he needed to update the permit until I faxed him the required documents for the review. This was a violation that the carrier was cited and fined for in the last review the carrier had.

Part 172

The carrier failed to have an emergency response phone number as required. The carrier is using the shipping paper that the refinery provides and it has a proper number, but the carrier does not subscribe to Chemtrec. This violation was discovered during the last review by Tec Hurley.

Part 382

The carrier has two drivers and neither have a pre-employment test with a negative result. Mr. Johnson said that when he brought Todd Stollfus on he was busy and did not have time to do the pre-employment test. From the records provided neither Mr. Johnson or Todd Stollfus have had a random test with a negative result either. The carrier has failed to obtain/retain the semi-annual and calendar reports for controlled substance testing. Due to lack of cooperation for the Wiz-Quiz I was unable to review any of the reports.

Part 391





GLOBAL ENERGY INC

U.S. DOT #: 1050749

Review Date:

08/02/2007

Part C

The carrier failed to perform an annual inquiry or review of driving record on either of its drivers. These violations were discovered during the previous review the carrier had.

Part 395

The carriers time cards do not meet the requirements of this section. The time cards for Todd Stolfus only have total hours worked with no start time or stop time. Mr. Johnson does not keep records on the time he works at all. This violation was cited during the last review the carrier had.

Part 396

The carrier failed to complete DVIRs for its vehicles. This violation was cited on the carriers previous review.

Both driver were cleared through CIDLIS and CCIC/NCIC

The carrier was provided a copy of the ETA during the review

The carrier has done very little to come into compliance since the last compliance review. The carrier now has the proper tests completed on its cargo tanks, but has not corrected any of the other violations listed by Tec Hurley. It is my belief that the carrier is endangering the public with its lack of management control and blatant disregard for the regulations. Due to the fact that the carrier has had a previous review and enforcement case and is still violating most of the same rules I recommend prosecution for this carrier.

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Failure Code:
		Date:



SUBJECT : Global Energy Inc

CASE NUMBER : CO-2007-0080-CO1974

Violation — 49 CFR 171.2(d) /107.608 - Offering or accepting a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107.

CHARGE

On or about 05/28/2007, Global Energy Inc transported Liquefied Petroleum Gas, 2.1, UN1075, a hazardous material, in commerce from Denver, Co to Various locations in Colorado. During this transportation, Global Energy Inc offered a hazardous material shipment in commerce without being registered with PHMSA in conformance with Subpart G of 49 CFR Part 107.

SUPPORTING DOCUMENTS

1. Carrier letter. Letter indicates that David Johnson, President, of Global Energy knowingly permitted Todd Stollfus to driver a commercial vehicle requiring placarding under Title 49 CFR Subpart F Part 172 in Intrastate commerce on May 28, 2007. The letter further states the David Johnson failed to obtain a hazardous materials certificate of registration issued by the Pipeline and Hazardous Material Safety Administration (PHMSA) prior to June 13, 2007.
2. Copy of shipping paper for May 28, 2007. Paper shows that Global Energy Inc (Driver Todd Stollfus) transported Liquefied Petroleum Gas, 2.1, UN1075 3125 GAL, from Denver, Co to various locations in Colorado. Shipping paper number 0077805.
3. Copy of driver's information for Todd Stollfus. Document indicates that Todd Stollfus has a current class A CDL with Double/Triple- Hazardous and Tanker Endorsements.
4. Hand written time sheet for Todd. Time sheet shows that Todd delivered LP on May 28, 2007 and worked for 14 hours.
5. Copy of pay check for week of May 27, 2007 to June 2, 2007. Check shows payment to Todd Stollfus for hours worked on hand written time sheet. Check # 7225.
6. Copy of Vehicle Registration. Registration shows vehicle is operated by Global Energy Inc (David Johnson). VIN-1FVACXAK74HM35422.
7. Copy of VINassist. Report shows VIN-1FVACXAK74HM35422, has a GVWR of 26,001 lbs to 33,000 lbs.
8. Copy of PHMSA company report pulled on March 28, 2007. Report shows that Global Energy had a suspended Hazmat permit for 04/05 with no further action.
9. Copy of Hazmat permit dated 06/15/2007. Permit show that the carrier obtained Federal Hazmat permit almost three months after I has first contacted carrier for review.

STATE OF COLORADO
COLORADO DRIVER RECORD

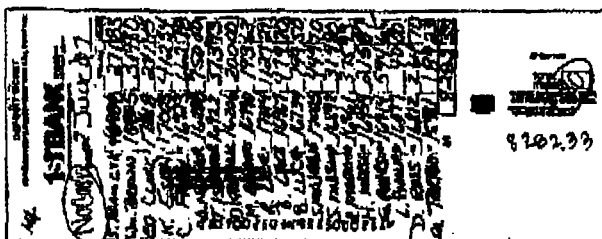
TODD JOSEPH STOLLFUS
12605 BERRADGE
CALHAN

CO 80808

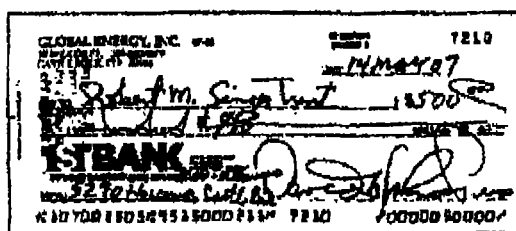
DATE: 07/16/2007
TIME: 12:31:38
INSURED STATUS:

ALIAS:

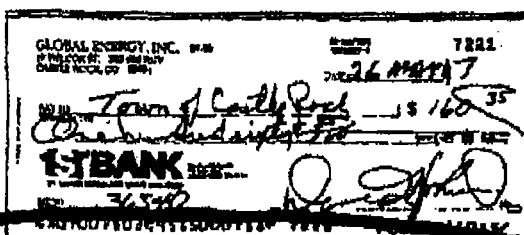
COLORADO PIN: 92-224-3436 SSN: 393-50-2676 CDL CLASS: A
LICENSE NUMBER: 922243436 LICENSE TYPE: DUPLICATE ADULT CDL
HEIGHT: 5 08 WEIGHT: 130 ISSUE DATE: 20060308
HAIR: BROWN EYES: BROWN EXPIRATION: 20070728
DONOR: N SEX: MALE BIRTH DATE: 19610728
ENDORSEMENTS: MOTORCYCLE - DOUBLES/TRIPLES - HAZARDOUS AND TANKER -
RESTRICTIONS: CORRECTIVE LENSES -
PREVIOUS STATE AND LICENSE:
REGULAR LICENSE STATUS: VALID
COMMERCIAL LICENSE STATUS: VALID



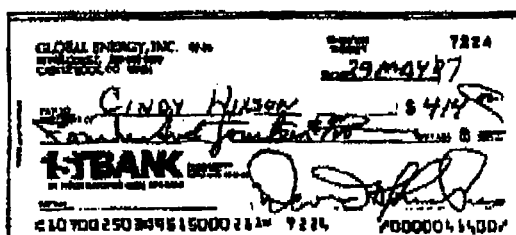
Deposit Date 7/2/2007, Amount \$8,262.33



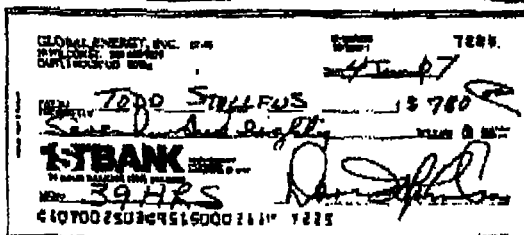
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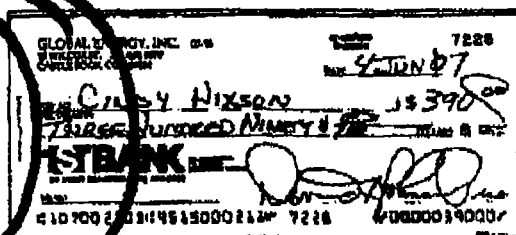
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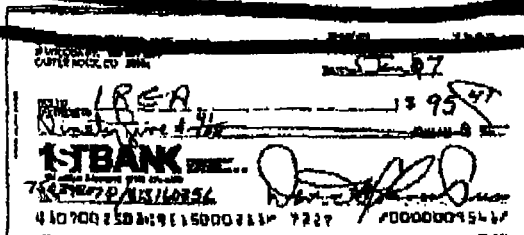
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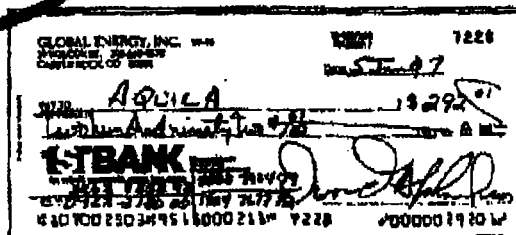
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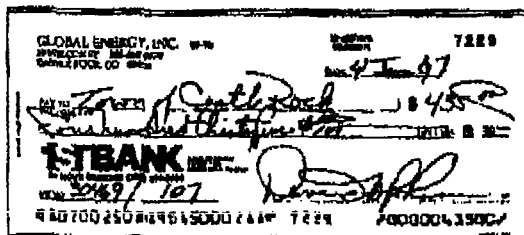
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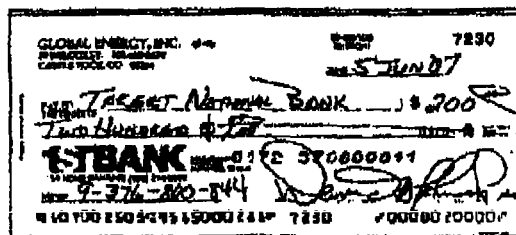
Check 7227, Date 6/8/2007, Amount \$95.41



Check 7228, Date 6/12/2007, Amount \$292.01



Check 7229, Date 6/8/2007, Amount \$435.00



Check 7230, Date 6/11/2007, Amount \$200.00

ATTN: TROOPER DUNCAN

STATE OF COLORADO
COLORADO VEHICLE REGISTRATION

OWNER: JOHNSON DAVID A	DATE: 07/16/2007
OWNER2: GLOBAL ENERGY INC DBA	TIME: 12:32:21
OWNER3:	
DRIVER:	
ADDRESS: 35301 COUNTY RD 33	ELIZABETH CO 80107
LICENSE: 385BFG	MAKE: FRE
LICENSE STATE: CO	MODEL:
EXPIRATION: 09/2007	STYLE: TK
	COLOR: WHI
	YEAR: 2004
INSURED STATUS: INSURED	GTM
COUNTY CODE: 34	- REGULAR
	VIN: 1FVACXAK74HM35422
	TITLE: 54E303103
	TAB: 34C756886

12:08:37 PM

07-24-2007

VINassist(R) Version 1.32

(c) by NICB 1991

Law Enforcement Edition

VIN:1FVACXAK74HM35422

DIGIT	DESCRIPTION	MEANING
1	Country of Origin	UNITED STATES
F	Manufacturer	FRHT FREIGHTLINER
V	Vehicle Type	INCOMPLETE VEHICLE
A	Bed/Chassis Type	4X2 TRUCK
CX	Model	M2 106 MED DTY CNV. 26,001-33,000LB
AK	Brake Horsepower	CAT 3126/CFE DSL 7.2L I6 /AIR BRKS
7	Check Digit	CHECK DIGIT VALID
4	Year	2004
H	Assembly Plant	MT HOLLEY, NC
M35422	Sequence Number	IN RANGE

***** VIN Passed Test *****

VIN indicates a 2004 FREIGHTLINER M2 106 MED DTY CNV. 26,001-33,000LB

(c) by NICB, 1991

EXHIBIT 5

move in vehicles operated by shipper or owner of product, merely a receipt for product.)

or when this instrument constitutes a Bill of Lading the party described below, in apparent good order, is received the Carrier shown herein, which Carrier agrees to transport the Consignee and destination shown herein subject to the terms and conditions of the special contract between the carrier and the Consignor or Consignee in effect on the date of the use of this Bill of Lading. In the absence of a special contract, transportation will be subject to all the terms and conditions of the Carrier's tariffs legally on file. It is further agreed by

Carrier that the transportation of this shipment will be formed in compliance with all applicable rules, regulations, and law.

Signature of Driver/Leader

Received by:

properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to all applicable regulations of the Department of Transportation.

Carrier hereby certifies that the cargo tank used for this shipment is a proper container for the commodity loaded there and complies with Department of Transportation specifications.

If LPG, this material has been odorized with ethyl mercaptan in proportion of 1.5 lbs. per 10,000 gals.

If this shipment is to be delivered to the Consignee without recourse on the Consignor, the Consignor shall sign the following statement: The Carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

Signature of Consignor

CHEMICAL EMERGENCY, SPILL, LEAK, FIRE, EXPOSURE OR ACCIDENT-CALL CHEMTREC DAY OR NIGHT 800-424-9300

ACCOUNT : GLOBAL ENERGY INC
ADDRESS :

17 MILCROX STREET
CASTLE ROCK, CO

ACCOUNT # : 0003155

ORDER # : 0704445

TERMINAL ID# :

ESP TAX PARTY :

ORIGINATOR : VARIOUS CO 0704445

ARRIVAL NAME: GLOBAL ENERGY, INC.

ARRIVAL # : 00000000000000000000

TURN, CERT# : 000004

DATE: 070528 MST BILL # : 0077805

TIME IN: 07:32 MST TIME OUT: 07:44 MST

SHIPPER : PHILGAS (PL)

SUPPLIER : Philgas (propane)

LOADED AT : CPH - Denver, CO

Denver, CO

EXCHANGE # :

IMPORT/EXPORT :

PAID OR COLLECT :

VARIOUS COLORADO CO

DRIVER NAME: TODD STOLLER

DRIVER # : 00002294

GROSS CAPACITY : 03125 LOAD SPILL : 07

PRODUCT DESCRIPTION

TEMP °F GRAVITY

GROSS GAL

NET WT

UNREFINED PETROLEUM GAS, 2.1, UN1075, NONFLAM

43.7

0.570

3125

3110

0.570

0.570 Pounds

ETHYL MERCAPTAN (Stench)

MEMBER, SAFETY FIRST GASOLINE DELIVERY RESTRICTIONS & INFORMATION ATTACHED

EXHIBIT 6

TIME SHEET

Name: Todd

DATE	START TIME	END TIME	UNIT #	DESCRIPTION OF WORK	# GALS	# HRS
Monday 5/28				Delivered LP		
						14
Tuesday 5/29				Picked up 4 1000 from Robert Thompson on Tried to set at 500		
						3
Wednesday 5/30				Delivered LP		
						7
Thursday				off		
Friday				Delivered LP		
						5
Saturday				Set at 500 for 10 min Set at 500 for 10 min Delivered LP		
						10
Sunday						

Total Hours:

39
780

Total Gallons:

EXHIBIT 7

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**



**HAZARDOUS MATERIALS
CERTIFICATE OF REGISTRATION
FOR REGISTRATION YEAR(S) 2005-2008**

Registrant: GLOBAL ENERGY INC
Attn: DAVID A. JOHNSON
19 WILCOX STREET
CASTLE ROCK, CO 80104

This certifies that the registrant is registered with the U.S. Department of Transportation as required by 49 CFR Part 107, Subpart G.

This certificate is issued under the authority of 49 U.S.C. 5108. It is unlawful to alter or falsify this document.

Reg. No: 061307 552 019NP Issued: 06/15/2007 Expires: 06/30/2008

Record Keeping Requirements for the Registration Program

The following must be maintained at the principal place of business for a period of three years from the date of issuance of this Certificate of Registration:

- (1) A copy of the registration statement filed with PHMSA; and
- (2) This Certificate of Registration

Each person subject to the registration requirement must furnish that person's Certificate of Registration (or a copy) and all other records and information pertaining to the information contained in the registration statement to an authorized representative or special agent of the U. S. Department of Transportation upon request.

Each motor carrier (private or for-hire) and each vessel operator subject to the registration requirement must keep a copy of the current Certificate of Registration or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." in each truck and truck tractor or vessel (trailers and semi-trailers not included) used to transport hazardous materials subject to the registration requirement. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

For information, contact the Hazardous Materials Registration Manager, PHH-62, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590, telephone (202) 366-4109.

EXHIBIT 8

Colorado State Patrol Motor Carrier Safety

Date: August 2, 2007

SIGNED STATEMENT OF: David Johnson

OCCUPATION: President: Global Energy Inc

LOCATION: 15075 South Golden Rd.
Golden, Colorado 80401

I, David Johnson, President of Global Energy Inc, voluntarily give the following statement to Technician M.W Duncan who has identified himself as a Technician with the Colorado State Patrol, Motor Carrier Safety Section. No threats or promises have been made to me in exchange for this statement.

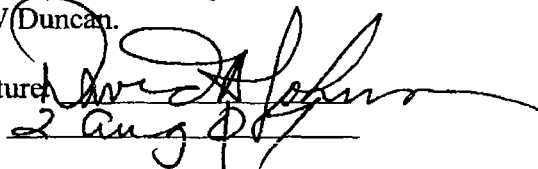
This statement is written to acknowledge that Global Energy Inc. knowingly permitted Todd Stollfus to drive a commercial motor vehicle requiring placarding under Title 49 CFR Subpart F Part 172 in intrastate commerce on May 28, 2007. The CMV Mr. Stollfus was operating contained Liquefied Petroleum Gas, 2.1, UN1075. The statement further indicates that Global Energy Inc. failed to obtain a hazardous materials certificate of registration issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA), prior to June 13, 2006. Global Energy Inc. is a LPG delivery service that operates within the local region of Castle Rock, Colorado.

Listed below is the vehicle Mr. Stollfus drove on May 28, 2007.

2004 Freightliner Truck, Colorado license #385BFG, VIN #1FVACXAK74HM35422, GVWR of 26,001 – 33,000 lbs.

I would like to add:

I have read the foregoing statement consisting of 1 page. It is true, accurate and complete to the best of my knowledge. I reviewed any changes and they bear my initials. I sign this statement under penalty of perjury and in the presence of Technician M.W Duncan.

Witness'/Interviewee's Signature: 

Date: 2 Aug 2007

I certify that I prepared and took the above statement and that it is a complete and accurate summary of my interview with David Johnson.

Technician M.W Duncan 

Date: Aug 2, 2007

EXHIBIT 9



U.S. Department
of Transportation

Research and
Special Programs
Administration

John A. Volpe
National Transportation
Systems Center

Kendall Square
Cambridge, Massachusetts 02142

Temporary Registration Number: 062204T50003M
Expiration Date: August 06, 2004

Date: August 11, 2004

GLOBAL ENERGY INC
19 WILCOX STREET
CASTLE ROCK, CO 80104

Dear DAVID A. JOHNSON:

On June 22, 2004 you initiated, under expedited procedures, a Hazardous Materials Registration for the Registration Year 2004-05 and were assigned the temporary Registration Number given above. To prove compliance with the requirement that the registration be fully completed within 45 days from the date of issuance, you must complete the registration process by submitting a Registration Statement in accordance with 49 CFR 107.608 and 107.616(d).

A letter documenting the temporary Registration Number with instructions for completing the expedited registration and an informational brochure containing the Registration Statement form were sent to you on June 22, 2004. A letter notifying you of the expiration date of the temporary Registration was sent on 7/20/2004. As of this date, we have not received a Registration Statement to complete the registration process. Consequently, the temporary Registration Number expired on August 06, 2004 and may no longer be used.

You may not transport or offer for transportation hazardous materials unless you have registered by filing a Registration Statement and paid the associated fee for the current year. Failure to comply with these requirements may result in the imposition of civil and criminal penalties in accordance with 49 App. U.S.C. & 1809.

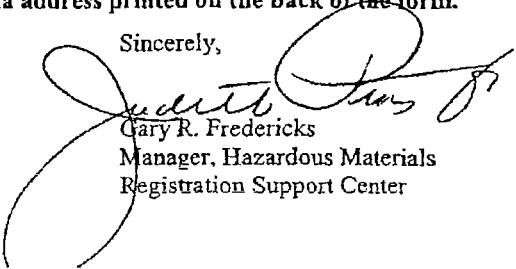
An informational brochure containing the Registration Statement form is enclosed. We urge you to file a Statement immediately so that a Certificate of Registration can be issued. To complete the registration process:

- (A) Check 'Expedited Followup' at the top of the enclosed blank Registration Statement.
- (B) Enter the assigned temporary Registration Number in the space supplied for the "Current Registration #".
- (C) Complete all items on the Registration Statement.
- (D) If you are **not** an SBA Small Business and are **not** a Not-for-Profit Organization under 26 U.S.C. 501(a), the remainder of the fee still owed is \$150. You may pay by enclosing a check or money order in that amount payable to the "U.S. Department of Transportation" or by supplying credit or debit card information. **If you are a Small Business or a Not-for-Profit Organization, no further fee is required; please do not resubmit credit card information on this form.**
- (E) Return the completed Registration Statement and a copy of this letter as proof of prior payment, along with any additional payment if required, to:

U. S. Department of Transportation
Hazardous Materials Registration
55 Broadway
Bldg. 3, Rm. 118C
Cambridge, MA 02142

Do not mail to the Atlanta address printed on the back of the form.

Sincerely,


Gary R. Fredericks
Manager, Hazardous Materials
Registration Support Center

Enclosures (45-Day)

EXHIBIT 10

8/16/14

 U.S. Department
 Of Transportation

Research and
 Special Programs
 Administration

John A. Volpe
 National Transportation
 Systems Center

Kendall Square
 Cambridge, Massachusetts 02142

062204851 003M

Temporary Registration Number: 062204T50003M
 Expiration Date: 09/17/2004

Date: 08/03/2004

GLOBAL ENERGY INC
 171 COX STREET
 CASTLE ROCK, CO 80104

Dear DAVID A. JOHNSON:

This letter confirms that you initiated a Hazardous Materials Registration under expedited procedures and have been assigned the temporary Registration Number given above. This temporary Registration Number will expire on 09/17/2004 and may not be used after that date to prove compliance with the registration requirements.

To complete the registration process:

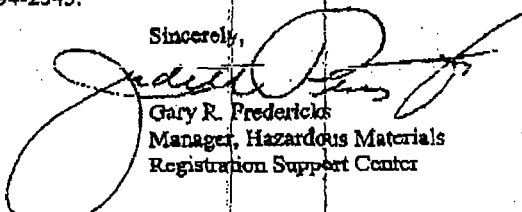
- (A) Check "Expedited Followup" at the top of the enclosed blank Registration Statement.
- (B) Enter the assigned temporary Registration Number in the space supplied for the "Current Registration #".
- (C) Complete all items on the Registration Statement.
- (D) If you are not an SBA Small Business and are not a Not-for-Profit Organization under 26 U.S.C. 501(c)(3), the remainder of the fee still owed is \$150. You may pay by enclosing a check or money order in that amount payable to the "U.S. Department of Transportation" or by supplying credit or debit card information. If you are a Small Business or a Not-for-Profit Organization, no further fee is required; please do not resubmit credit card information on this form.
- (E) Return the completed Registration Statement and a copy of this letter as proof of prior payment, along with any additional payment if required, to:

U. S. Department of Transportation
 Hazardous Materials Registration
 55 Broadway
 Bldg. 3, Rm. 118C
 Cambridge, MA 02142

Do not mail to the Atlanta address printed on the back of the form.

An informational brochure containing the Registration Statement form is enclosed. To complete the registration process before the expiration of the temporary Registration number, submit the completed Registration Statement no later than 10 days following the receipt of this letter. A Certificate of Registration will be mailed to you after you have submitted a Registration Statement. If you have any questions, please call the Hazardous Materials Registration Support Center at 617-494-2545.

Sincerely,


 Gary R. Fredericks
 Manager, Hazardous Materials
 Registration Support Center

Enclosures

EXHIBIT 11

**U. S. DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGISTRATION STATEMENT
REGISTRATION YEAR 20 04 - 20 05**

(Please Type or Print all Responses)

Initial Registration _____ Renewal of Registration _____ Amendment to Registration _____ Expedited Follow-up X
Current Registration # 062204T50003M

1. Registrant GLOBAL ENERGY INC

(Company Name)

(Place pre-printed label here if provided and if name and address are correct. Otherwise, provide correct information.)

2. Mailing Address of Principal Place of Business

Street or P.O. Box 19 WILCOX STREET City CASTLE ROCK,County DOUGLAS State CO Zip Code 80104 Country USA

3. Registrant's US DOT ID Number, ICC Number, or Reporting Railroad Alphabetic Code (if applicable)

US DOT ID # 1050749CD MC/MX # _____ Railroad Alphabetic Code _____

4. Mode(s) Used to Transport Hazardous Materials: Highway _____ Rail _____ Water _____ Air _____

5. Business Category (determined by answering a-c):

a) North American Industrial Classification System (NAICS) Code for Primary Commercial Activity:

(enter one six-digit code) 454312b) Using the SBA size standard for the NAICS code entered above, mark one: ☒ Small Business as defined by SBA☐ Not an SBA Small Businessc) Not-For-Profit Organization (under 26 U.S.C. 501(a)): Yes _____ No ☒

6. Registration Fees

See table of fees on page 12. All fees include the appropriate processing fee.

Total Amount Due for this Registration: 150⁰⁰

Make check or money order in U.S. funds, drawn on a U.S. bank, and payable to "U.S. Department of Transportation," and identified as payment for the "Hazmat Registration Fee."

Method of Payment (check one)

Check _____ Money Order _____ Credit/Debit Card: ☐ VISA ☐ MasterCard ☐ American Express ☐ Discover _____

* For Debit Card payments, see "Payment Options," page 10.

Credit/Debit Card Users Please Provide the Following Information:

Card Number: 4366103040980700 Expiration Date: 11/05
MO YRName as it appears on the card DAVID A. JOHNSONAuthorized Signature David A. Johnson

Cardholder acknowledges ordering goods or services in the amount of the total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the issuer. Card statement will list this payment as "US DOT Hazmat Regis."

NOTE: If a Small Business or Not-for-Profit Organization completing an expedited registration, do not resubmit card information here.

7. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2003 for the 2004-2005 Registration Year) and the state(s) in which you operated (see instructions).

A. ☐ Offered or transported in commerce a highway route controlled quantity of a Class 7 (radioactive) material.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

B. ☐ Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

C. ☐ Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

D. ☐ Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

E. ☐ Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including a hazardous waste) for which placarding of a vehicle, rail car, or freight container is required.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

F. ☒ Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

G. ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name DAVID D. JOHNSON Phone (303) 660-9290
(Print the signer's name)

Title PRESIDENT

Certifier's Signature David D. Johnson Date 8 MAY 04

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

MAIL COMPLETED FORM
WITH PAYMENT TO

U.S. Department of Transportation
Hazardous Materials Registration
P.O. Box 740188
Atlanta, GA 30374-0188

Please retain a copy of this form for your records.

EXHIBIT 12

7. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2003 for the 2004-2005 Registration Year) and the state(s) in which you operated (see instructions).

- A. ☐ Offered or transported in commerce a highway route controlled quantity of a Class 7 (radioactive) material.
1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
- AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI
- B. ☐ Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.
1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
- AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI
- C. ☐ Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).
1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
- AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI
- D. ☐ Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.
1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
- AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI
- E. ☐ Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including a hazardous waste) for which placarding of a vehicle, rail car, or freight container is required.
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- AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI
- F. ☒ Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b).
1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
- AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI
- G. ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name DAVID A. JOHNSON Phone 303 660-9290
(Print the signer's name)

Title PRESIDENT

Certifier's Signature David Johnson Date 23 JUN 04

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

MAIL COMPLETED FORM
WITH PAYMENT TO:

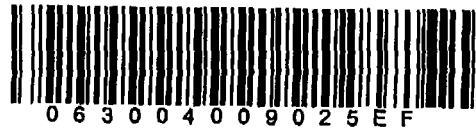
U.S. Department of Transportation
Hazardous Materials Registration
P.O. Box 740188
Atlanta, GA 30374-0188

Please retain a copy of this form for your records.

Bank of America
 P.O. Box 100978
 Atlanta, Georgia 30384
 Lockbox Services Atlanta Governm
 (770) 774-6444

GLOBAL ENERGY, INC. 07-06 5177
 19 WILCOX ST. 803-860-9579
 CASTLE ROCK, CO 80104
 80-252/1070
 1018000211
 DATE 25 Jun 04
 PAY TO THE ORDER OF U.S. Department of Transportation \$ 600.00
Six hundred & 00/100 DOLLARS
1ST BANK
 24 HOUR BANKING 800-274-8000
 Hazardous Material Fee David J. [Signature]
 ⑆107002503⑆9515000211⑆ 5177

TR#	107002503	Acct#	9515000211	Ser#	5177	Check Amount	\$600.00
TID	Y-1012316	Batch	9	Item	25	Batch Total	\$12,825.00
Grp#	1	Trace Number	062204T50003M			Trans Source	Check



GLOBAL ENERGY INC

7. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2003 for the 2004-2005 Registration Year) and the state(s) in which you operated (see instructions).

A. ☐ Offered or transported in commerce a highway route controlled quantity of a Class 7 (radioactive) material.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

B. ☐ Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

C. ☐ Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

D. ☐ Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

E. ☐ Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including a hazardous waste) for which placarding of a vehicle, rail car, or freight container is required.

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

F. ☒ Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b).

1. Shipper ☐ 2. Carrier ☐ 3. Other (Freight Forwarder, Agent, etc.) ☐

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

G. ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name DAVID A. JOHNSON Phone 303-660-9290
(Print the signer's name)

Title PRESIDENT

Certifier's Signature David Johnson

Date 23 JUN 04

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

MAIL COMPLETED FORM
WITH PAYMENT TO:

U.S. Department of Transportation
Hazardous Materials Registration
P.O. Box 740188
Atlanta, GA 30374-0188

Please retain a copy of this form for your records.

Bank of America
 P.O. Box 100978
 Atlanta, Georgia 30384
 Lockbox Services Atlanta Government
 (770) 774-6444

GLOBAL ENERGY, INC. 07-98
 18 WILCOX ST. 303-580-9579
 CASTLE ROCK, CO 80104

12-230/1876
 9515000211

5178 64

DATE 23 Jun 04

PAY TO THE ORDER OF U.S. Department of Transportation \$900.00

Nine hundred & 00/100 DOLLARS

1STBANK

24 HOUR BANKING (303) 278-3000

Payee Registration Fee

107002503 9515000211 5178

TR#	107002503	Acct#	9515000211	Ser#	5178	Check Amount	\$900.00
TID	Y-1012983	Batch	9	Item	24	Batch Total	\$12,825.00
Grp#	1	Trace Number	062204Y50003M			Trans Source	Check



GLOBAL ENERGY INC

7. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2003 for the 2004-2005 Registration Year) and the state(s) in which you operated (see instructions).

A. ☐ Offered or transported in commerce a highway route controlled quantity of a Class 7 (radioactive) material.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

B. ☐ Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

C. ☐ Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

D. ☐ Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

E. ☐ Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including a hazardous waste) for which placarding of a vehicle, rail car, or freight container is required.

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

F. ☒ Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b).

1. Shipper _____ 2. Carrier _____ 3. Other (Freight Forwarder, Agent, etc.) _____
 AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

G. ☐ Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name DAVID A. JOHNSON Phone 303 660-9290
(Print the signer's name)

Title PRESIDENT

Certifier's Signature [Signature] Date 23 JUN 04

FALSE STATEMENTS MAY VIOLATE 18 U.S.C. 1001.

MAIL COMPLETED FORM
WITH PAYMENT TO:

U.S. Department of Transportation
Hazardous Materials Registration
P.O. Box 740188
Atlanta, GA 30374-0188

Please retain a copy of this form for your records.

Bank of America
 P.O. Box 100978
 Atlanta, Georgia 30384
 Lockbox Services Atlanta Governm
 (770) 774-6444

GLOBAL ENERGY, INC. 07-86 5179
 19 WILCOX ST. 303-480-8579
 CASTLE ROCK, CO 80104
 DATE 23 Jun 04 17
 PAY TO THE ORDER OF U.S. Department of Transportation \$750.00
 Seven hundred fifty and 00/100 DOLLARS
 TTBANK
 24 HOUR BANKING (770) 874-8000
 Memo: Hazardous Material Fee
 107002503:9515000211 5179

TR#	107002503	Acct#	9515000211	Ser#	5179	Check Amount	\$750.00
TID	Y-1040921	Batch	9	Item	23	Batch Total	\$12,825.00
Grp#	1	Trace Number	062204T50003M			Trans Source	Check



GLOBAL ENERGY INC

EXHIBIT 13

HAZARDOUS MATERIALS REGISTRATION PROGRAM REFUND APPROVAL

Registrant: GLOBAL ENERGY INC
Attention: DAVID A. JOHNSON
Address: 19 WILCOX STREET
CASTLE ROCK, CO 80104

Taxpayer Identification:

Registration Identification: 062204 851 003M

Method of Payment: **CREDIT CARD**

Total amount to be refunded: \$200.00

CC Number: 4366103040980700

CC Expiration Date: 1105

Justification:

Duplicate Payment: Y

Overpayment:

Payment in Error:

Change in Requirements:

Other:

Notes: DUPLICATE OF 052004550038MN-PC, 9/16/04.

Authorized by: David W. Dauler

Date: 9-17-04

SEP 17 2004

GLOBAL ENERGY INC
19 WILCOX STREET
CASTLE ROCK, CO 80104

Attention: DAVID A. JOHNSON

You are receiving a refund of duplicate fees paid in error to the U.S. Department of Transportation for the Hazardous Materials Registration Program. The Research and Special Programs Administration (RSPA) is crediting your credit card account in the amount of \$200.00, which you should find reflected on a future credit card statement.

This refund invalidates Registration Number 062204851003M. Your **valid** registration number is 052004550038MN.

If you have any questions concerning this matter, please call Pat Cobb at (202) 366-6853.

Sincerely,

DS

David W. Donaldson
Manager, Hazardous Materials
Registration Program
Office of Hazardous Materials
Planning and Analysis

CONCURRENCES		
RTG SYMBOL	DTHM-60	
INITIALS/SIG	Pat Cobb	
DATE	9-16-04	
RTG SYMBOL	DTHM-06	
INITIALS/SIG	David W. Donaldson	
DATE	9-17-04	
RTG SYMBOL		
INITIALS/SIG		
DATE		
RTG SYMBOL		
INITIALS/SIG		
DATE		
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DATE		
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INITIALS/SIG		
DATE		



GLOBAL ENERGY INC

EXHIBIT 14



ORIGINAL REGISTR/

(Version 3.0.02 PROD)

Rules of Beh

[Search] [Registration] [Company] [Survey] [Payments/Refunds] [History] [Modes] [Certificate] [Print
Temporary Certificate] [Barcode]

Registration ID Old: 062204851003M New: 061307552019NP Year: 0508 Reg Type: R

**U.S. DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGISTRATION STATEMENT**

1. Registrant

Company Name: GLOBAL ENERGY INC

2. Mailing Address of Principal Place of Business

Street: 19 WILCOX STREET

City: CASTLE ROCK

County: DOUGLAS

Country: US

State/Province: COLORADO

Other State:

Postal Code: 80104

3. Registrant's US DOT Number, MC/MX Number, or Reporting Railroad Alphabetic Code (if applicable)

US DOT ID #: 1050749

MC/MX # (formerly ICC #):

Railroad Alphabetic Code:

4. Mode(s) Used to Transport Hazardous Materials

☒ Highway ☐ Rail ☐ Water ☐ Air

5. Business Category

NAICS Code: 484228

Small Business: Yes

NonProfit: No

6. Registration Information

Cost: \$650.00

Registration Fee Table - The fees for registration years beginning in 2003 were revised in a Final Rule published January 9, 2003. A complete table detailing the registration fees for all available single and multiple year registration periods is available by clicking [here](#).

7. PRIOR-YEAR SURVEY INFORMATION

Hazardous Materials Activities, and States in Which Activity was conducted.

Indicate those activities conducted by the registrant during the previous calendar year (e.g., 2003 for the 2004-2005 Registration Year). Mark "A" through "F" as appropriate, to indicate the category or categories and the activity or activities (shipper, carrier, or other) in which the registrant acted. Check all the categories and activities that apply. "Other" may be checked to indicate offeror activities not covered under the heading of shipper or carrier, such as freight forwarder or agent. Carriers should check all states in which they operated as a hazardous materials carrier. Shippers and others engaged in offering hazardous materials should check only those states from which they offered hazardous materials. They do not need to indicate states to which or through which shipments were sent. Check "48 Contiguous States", if appropriate, to indicate that the activity was conducted in all of the 48 contiguous states. If the registrant did not engage in activities covered by "A" through "F" during the previous year, but plans to do so in the current registration year, mark only "G."

☐ **A. Offered or transported in commerce any highway route-controlled quantity of a Class 7 (radioactive)**☐ SHIPPER ☐ CARRIER ☐ OTHER

☐ **B. Offered or transported in commerce more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 material in a motor vehicle, rail car, or freight container.**☐ SHIPPER ☐ CARRIER ☐ OTHER

☐ **C. Offered or transported in commerce more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone 1).**☐ SHIPPER ☐ CARRIER ☐ OTHER

☐ **D. Offered or transported in commerce a hazardous material (including a hazardous waste) in a bulk packaging (49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or 13.24 cubic meters (468 cubic feet) for solids.**☐ SHIPPER ☐ CARRIER ☐ OTHER

☐ **E. Offered or transported in commerce a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including hazardous waste) for which placarding in a motor vehicle, rail car, or freight container is required.**☐ SHIPPER ☐ CARRIER ☐ OTHER

☒ **F. Offered or transported in commerce a shipment of a quantity of hazardous material (including a hazardous waste) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, or those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 171.15.**☐ SHIPPER ☐ CARRIER ☐ OTHER

☐ AL ☐ AR ☐ AZ ☐ CA ☒ CO ☐ CT ☐ DE ☐ FL ☐ GA ☐ ID ☐ IL ☐ IN
☐ IA ☐ KS ☐ KY ☐ LA ☐ MA ☐ MD ☐ ME ☐ MI ☐ MN ☐ MO ☐ MS ☐ MT
☐ NC ☐ ND ☐ NE ☐ NH ☐ NJ ☐ NM ☐ NV ☐ NY ☐ OH ☐ OK ☐ OR ☐ PA
☐ RI ☐ SC ☐ SD ☐ TN ☐ TX ☐ UT ☐ VT ☐ VA ☐ WA ☐ WV ☐ WI ☐ WY
☐ ALL 48 Contiguous States ☐ AK ☐ AS ☐ DC ☐ GU ☐ HI ☐ MP ☐ PR ☐ VI

☐ G. Did not engage in any of the activities listed in A through F during the previous calendar year.

8. Certification of Information

Certifier's Name: DAVID A. JOHNSON

Phone Number: 303-660-9290

Fax Number:

EXHIBIT 15

From: hazreg@volpe.dot.gov
To: AJOHNSON@AIMENVIRONMENTAL.COM
Subject: Order Confirmation: Hazardous Materials Registration Program
Sent Date: 6/13/2007
Message:

This will confirm that you submitted an order over the Internet to the U.S. Department of Transportation's Hazardous Materials Registration Program on 6/13/2007.

Order 37324 Summary

Registration No.	Period	Fee	Registrant Name
061307552019NP	2005-2008	\$650.00	GLOBAL ENERGY INC

Order Number: 37324
Amount Paid: \$650
Credit/Debit Card Number: *****3551
Name on Credit/Debit Card: ANTHONY S. JOHNSON

An electronic copy of each Certificate paid for by this order is attached. Files can be opened and printed by double-clicking on a .pdf attachment if you have the Adobe Acrobat Reader. If you do not have the Reader, you can download it (without charge) from <http://www.adobe.com/products/acrobat/readstep2.html>. Please save the attached file to your computer in the event that you need to reprint it in the future.

You may alternatively print a certificate by using the 'Company Look-up' facility on our Internet site at: <https://hazmatonline.phmsa.dot.gov/Services/>.

A paper copy of each certificate is mailed to the address printed on the certificate usually in about a week. All three versions of the certificate are valid through June 30 of the expiration year. Please be advised that the Hazardous Materials Registration Certificate must be retained at your principal place of business for three years from the issuance date as proof of registration. The current certificate or another document bearing the registration number identified as the 'U.S. DOT Hazmat Reg. No.' must be placed on each truck and truck tractor (not including trailers and semi-trailers) or vessel used to transport hazardous materials subject to the registration requirement.

Thank you for registering with us on-line.

Hazardous Materials Registration Support Center
U.S. Department of Transportation
617-494-2545

Attachments(s):

- 1) 061307552019NP.pdf